

Walter P. Francis - 155 Mass.

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# THE REPUBLIC:

A MONTHLY MAGAZINE,

DEVOTED TO

THE DISSEMINATION OF POLITICAL INFORMATION.

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Vol. II.

APRIL, 1874.

No. 4.

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WASHINGTON, D. C., April 2, 1874.

On the petition of JOHN FIRST, of New York, N. Y., praying for the extension of a patent granted to him on the 3d day of July, 1860, for an improvement in SEWING MACHINES:

It is ordered that the testimony in the case be closed on the 2d day of June next; that the time for filing arguments and the Examiner's report be limited to the 12th day of June next, and that said petition be heard on the 17th day of June next.

Any person may oppose this extension.

april 3-3t M. D. LEGGETT,  
Commissioner.

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THE REPUBLIC, now entering upon its second year, has been favorably received by the earnest friends of just and energetic governmental and economic progress.

In the future, as in the past, THE REPUBLIC will discuss with candor and with such ability as it can command the present and practical questions affecting the material, intellectual, and moral progress and well-being of the nation, the States, and the people. It will record with fidelity the action of the Executive, Legislative, and Judicial Departments of the Government which may be of national importance or of general application. It will do what may be done, within its sphere, to inform the people and improve the Government.

THE REPUBLIC holds that as this is a Government of and for the people, the people should be thoroughly informed of its action and purposes, and that the Government should be equally well advised as to the opinions and progress of the people; that the interests of both are identical; that the obligations of both are mutual; and that it is the duty of each and all to promote this common knowledge, advance these common interests, and enforce these common obligations. To these ends THE REPUBLIC will work faithfully and constantly, and it earnestly invites the cordial coöperation of every citizen in this essential labor.

### TERMS.

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**UNITED STATES PATENT OFFICE,**  
WASHINGTON, D. C., March 21, 1874.  
On the petition of **WILLIAM WICKER-SHEIM**, of Boston, Mass., praying for the extension of a patent granted to him on the 26th day of June, 1860; reissued on the 2d day of January, 1866, for an improvement in **NAIL CUTTING MACHINES**:

It is ordered that the testimony in the case be closed on the 26th day of May next; that the time for filing arguments and the Examiner's report be limited to the 5th day of June next; and that said petition be heard on the 10th day of June next.

Any person may oppose this extension.  
**M. D. LEGGETT**, Commissioner.  
mar27-3w

**UNITED STATES PATENT OFFICE,**  
WASHINGTON, D. C., March 11, 1874.  
On the petition of **NEHEMIAH S. BEAN**, of Manchester, N. H., praying for the extension of a patent granted to him on the 12th day of June, 1860, for an improvement in **PUMPS**:

It is ordered that the testimony in the case be closed on the 12th day of May next; that the time for filing arguments and the Examiner's report be limited to the 22d day of May next; and that said petition be heard on the 27th day of May next.

Any person may oppose this extension.  
**M. D. LEGGETT**,  
mar16-3t Commissioner

**UNITED STATES PATENT OFFICE,**  
WASHINGTON, D. C., February 23, 1874.  
On the petition of **ROLLIN A. GOODEN-OUGH**, of New York, N. Y., praying for the extension of a patent granted to him on the 29th day of May, 1860, for an improvement in **HORSESHOES**:

It is ordered that the testimony in the case be closed on the 28th day of April next; that the time for filing arguments and the Examiner's report be limited to the 8th day of May next, and that said petition be heard on the 13th day of May next.

Any person may oppose this extension.  
**M. D. LEGGETT**,  
feb20-3w Commissioner.

**UNITED STATES PATENT OFFICE,**  
WASHINGTON, D. C., February 26, 1874.  
On the petition of **SAMUEL J. HAYES**, of Chicago, Illinois, praying for the extension of a patent granted to him on the 29th day of May, 1860, for an improvement in making **TUBE JOINTS**:

It is ordered that the testimony in the case be closed on the 28th day of April next; that the time for filing arguments and the Examiner's report be limited to the 8th day of May next, and that said petition be heard on the 13th day of May next.

Any person may oppose this extension.  
**M. D. LEGGETT**,  
mar4-3t Commissioner.

# THE REPUBLIC.

Devoted to the Dissemination of Political Information.

VOL. II.

WASHINGTON, D. C., APRIL, 1874.

No. 4.

THE APPENDIX.—We are enabled to present to the readers of *THE REPUBLIC*, in addition to its usual sixty-four pages of reading matter, three very interesting and important speeches. Two of them relate to the absorbing question of the propriety and necessity of governmental control over railway corporations, and the other is a most exhaustive statement of the relations of the General Government to the national capital and the District of Columbia.

Since the abolition of the franking privilege the circulation of Congressional speeches has become limited, and the subscribers of *THE REPUBLIC* will find them unusually valuable as ammunition in the approaching political campaign.

While *THE REPUBLIC* has a fixed policy of its own, which can be easily discovered by a perusal of its editorial pages, it permits the widest latitude of discussion in the *Appendix*. While we shall only append speeches of ability, usefulness, and interest, we do not wish to be held responsible for the sentiments therein contained, our views can only be found in our editorial columns. The object is to communicate to all sections of the country facts and tabular exhibits that will enable the reader to form independent opinions of his own, which may lead to union of sentiment by independent action, the only kind of uniformity really desirable.

NO CHROMOS.—It may be possible that we committed an error in not taxing the readers of *THE REPUBLIC* \$3 per annum,

so that we might devote \$1 to the purchase of chromos, sewing machines, and other premiums, to be given to agents and canvassers. We presumed that the class of readers which *THE REPUBLIC* would be likely to have would prefer to make their own application of their money, and that they would prefer to invest \$2 in political information and dispose of the other dollar as they thought fit, instead of paying \$3 for the sake of obtaining in addition a so-called chromo, which in most cases would show a barbarous taste if the owner were to incur the additional expense of a frame and afford it hanging room in the parlor.

It is a most singular disposition on the part of many people that they assume, or at least act upon the assumption, that in some way they can get something for nothing. Instead of paying a fair price and no more for literary publications, they seem to lose sight of the fact that they are being taxed nearly fifty per cent. to enable the publishers to distribute so-called premiums.

It is true the introduction of *THE REPUBLIC* has not been so rapid as it might have been had a different system been adopted, but the fact that our old subscribers have almost uniformly renewed their subscriptions, and that without special efforts our subscriptions are increasing from day to day, has encouraged us to say that we have laid the foundation for its permanent and successful establishment on its intrinsic merits.

INFLATION.—The discussion of infla-

tion or contraction is still in order. We find a statement of some interesting facts in the *Financial Record*. In a recent number it says :

There is at this moment in the vaults of the New York banks a sum of more than \$20,000,000 (greenbacks) above the legal bank reserve that can not be lent because nobody can use it profitably. The greenback excess above the legal maximum of \$356,000,000 is now \$26,000,000. The \$6,000,000 not accounted for in the New York banks is lying idle in Boston and Philadelphia. This unusable money can not be sent to the South and West, because these sections are already in debt to the commercial centers.

And again :

At the close of the second week in February, 1873, the total deposits in the banks of the three cities of New York, Boston, and Philadelphia amounted to \$313,798,031 ; at the corresponding date in 1874 the deposits in the same banks were \$341,285,560 ; an increase of \$27,487,519, or more than the entire increase of currency outstanding. A comparison of loans show that there was a decrease in 1874, while the rate of discount is now lower. This demonstrates that, so far as the great commercial centers are concerned, inflation has been useless, for the money is all lying idle and can not be lent ; while the sections that complain of a scarcity have not been benefited by the inflation at all.

**WHO IS RESPONSIBLE FOR EXPANSION ?**—Owing to the fact that the great bulk of customs duties are assessed, not upon articles of necessity, like coffee, tea, sugar, and salt, but upon articles of luxury, like silk, velvets, broadcloths, &c., the September panic very materially reduced the national income, and Secretary Richardson was compelled to draw upon the retired greenback reserve, and increase the currency from \$356,000,000 to \$382,000,000.

Being desirous to return this sum again into the Treasury, he applied to Congress to assess other articles of import, and also to increase the tax upon whisky and tobacco, so that the revenue of the Government might again come up to its normal and usual amount.

Instead of explaining to the country that not an increase, but only a transfer of taxation was demanded, and granting

to the Treasury this relief, Mr. Dawes, as chairman of the Committee on Ways and Means, treated the question as one of absolute increase, and induced both the committee and the House to refuse to entertain the suggestion.

Had this transfer been granted the greenback reserve could have been gradually returned to the Treasury, but since it was not, it was not only impossible to return it, but the general reserve in the Treasury had sunk so low that the additional \$18,000,000 had to be placed at the disposal of the Secretary for use in case of emergency.

Of all men in the East, and perhaps of all men in the United States, Mr. Dawes is most responsible for the Congressional action authorizing and legalizing the issue of the reserves as a permanent addition to the national currency.

**THE NEW YORK PRESS AND THE CURRENCY BILL.**—The two-thirds majority of the House for the bill fixing the amount of national currency at four hundred million dollars, and the concurrence of the Senate therein, has taken the Eastern papers by surprise, and their disappointment is ludicrous. It is a repetition of the Greeley movement, when they supposed that all the "talents" both in and out of the Senate were arrayed against President Grant. Their present surprise is only another evidence of the intensely local character of the Eastern metropolitan press, and of its loss of influence upon the country at large. Had they been less conceited, and analyzed the views of their country exchanges, they would have seen that the action of the House of Representatives and its two-thirds majority was simply the reflex of public opinion. It is safe to say that two-thirds of the people are in favor of and will sustain not merely the present measure, but also a free banking act, with suitable redemption provisions. However, it was not so much the *arguments* of the country press that induced Congress to take this action as the sheriffs' sales and the foreclosures of mortgages which have for months filled their columns.

## WHATEVER IS IS RIGHT.

The relations of mankind to the universe have ever been a prolific source of speculation. "Whence have we come?" "Whither are we drifting?" and "Can we as individuals contribute anything to change, retard, or advance the general movement?" are questions which in every age the most thoughtful of men have considered.

Among the multitude of views three theories have been evolved. One is, that mankind are assailed by so many ills, are subject to so many external inconveniences and temptations, and are inherently so depraved that their whole mission on earth is to bear, suffer, and bewail their existence, while their hope for a more happy mode of life is placed in the unknown future which is to become a perpetual presence after death. This class of men are habitual grumblers, their face is ever turned backward, the golden days are in the past, the present is the age of clay, and the future is robed in gloom and terror. If this hopeless, restless, and ever dissatisfied class were in the majority the earth would very soon become the place of torment which they profess it to be. Disbelieving in the possibility of individual virtue, ever giving a willing ear to every scandalous rumor, and delighting with the joy of fiends whenever an honorable man after years of distinguished services has yielded to temptation, they contribute whatever may be in their power to render mankind equally miserable and uncomfortable with themselves.

Another theory of human existence is that the status and progress of mankind are fixed by unalterable and exterior laws which can neither be changed nor controlled; and that, therefore, all human exertions in any direction, except to maintain and bear existence, are fruitless. This is the theory of the fatalists so well exemplified by Mohammedism, where for over a thousand years humanity has been stationary, and where even the possibility of progress is remote. If

individuals can contribute nothing toward making the world happier, wiser, and better for having lived therein, human existence has sunk to the level of animal life.

The third theory is the Christian theory of personal and national perfectibility through faith and good works. While the unchangeability of nature's laws are recognized, it is still held that every individual has duties devolving upon him for the discharge of which he is accountable to the Creator and to his fellow men. These duties are numerous and various, covering every department of life, but we are about to consider only those of a political character appertaining to us as citizens of a self-governing republic.

Self-government is both a precious privilege and a solemn duty. Self-thought and self-examination and an earnest endeavor to lay the foundation by careful study for the formation of independent opinions are the first steps toward the faithful discharge of political duties, and the next is the proper application of this knowledge to political forces. The Government, abstractly considered, is a system or machinery for the regulation of those political affairs which individuals, in their personal capacities, can not control. Therefore, the methods and political organizations by which this machinery can be worked to the greatest advantage should be most earnestly considered without prejudice or favor. If, then, to the measure of our individual capacity, we have earnestly and conscientiously discharged these duties, we can safely rest in the firm faith that the supreme laws of nature which are designed to produce good and not evil results, and whose general tendency is toward peace, order, and happiness, will sustain and guide our country in the future as in the past. But our work should be real and earnest, though hopeful and trusting. With the same faith with which the husband-

man in the autumn intrusts the seed to mother earth, confident that in due time through the mysterious processes of nature it will mature and enable him to reap, must we intrust to the laws of Providence our political work, believing that in process of time the right and truth will ever be uppermost; and it is in this sense that we can subscribe to the oft quoted epigrammatic sentence of Pope, "whatever is is right."

Philosophy and experience both justify our faith, that if our duties have been properly discharged apparent evils will work out ultimate good, thus releasing us from undue anxiety, and enabling us to meet cheerfully the tribulations incident to national and individual existence. Thus, in the largest sense of the term, there is nothing wrong in the United States at this day. When compared with other nations it is the freest, the happiest, and most prosperous. Who would exchange his home here for that in any other country upon the face of the earth? Emigrants from every nationality upon the globe come by millions to the United States, but not even tens of thousands of our citizens have ever sought a permanent abode elsewhere. After the collapse of the Southern Confederacy a number of the youthful and fiery spirits of the South exiled themselves, disgusted with their failure, blasted in hopes, and filled with hatred and revenge, and went to England, Brazil, China, Japan, and to the uttermost corners of the globe, and yet nearly if not quite all have returned, after years of sad experience, knowing that the country whose life they had sought to take is by far the best wherein to live.

We repeat that in the largest sense of that term there is nothing wrong in the United States, for its citizens enjoy the most boundless personal liberty, the greatest possible religious freedom, the most extensive field for the exertion of mental and moral forces, as well as peace, order, and general prosperity. These grand moral blessings, to attain which so many nations have striven for centuries, and for which they have made

fearful sacrifices of life and treasure, without entering the promised land, are so abundant and so fully established here that we frequently fail to appreciate their preciousness and importance. Go to the homes of the masses of our farmers and mechanics, and you will find that they live in a manner surrounded by books, newspapers, and many luxuries of life, which only the professional classes in Europe enjoy. View even the procession on St. Patrick's day, composed as it is almost exclusively of working men, and you will perceive an elegance of dress, a personal neatness, and a manly bearing which no procession in other countries composed of the same classes can equal.

The very fact that alleged extravagance in the administration of the contingent funds of the Executive Departments is one of the principal political controversies—that great political parties struggle for ascendancy upon questions of whether three hundred and fifty or four hundred million dollars shall be the limit of our national currency, and that the methods of cheapening inter-State transportation are the chief topics of discussion—is demonstration conclusive of the proposition that in the largest sense of the term "all is well." These questions would sink into the utmost insignificance if there was real trouble, or if human rights were in danger.

Far be it from us to advocate that these rights should be treated lightly; that small evils should be condoned until they have grown large, or that parties may not be organized and contend with each other for mastery upon the questions of retrenchment and the speedy resumption of specie redemption. Years of patient toil in the field of reform would be wasted if we were to induce any citizen to shut his eyes to anything wrong in the State, or to abstain from intelligent and well-considered labor to secure a more faithful and economical administration of municipal, State, or national affairs. Life is itself a succession of small events, and it is unceasing watchfulness over the smaller as well as

over the larger concerns of life which renders nations and men successful.

But let us count all things at their proper value. Let us not, for the purpose of making a point or of temporary success, magnify little ills into great evils, for it is the truth and the exact truth which is to be sought for its own sake, and which will "make us free."

Well do we recollect standing upon the Pilatus, that grand rocky promontory that stands sentinel before the Lake of the Four Cantons, in Switzerland. In the valley the very spurs of the Pilatus, rising a thousand feet in height, seem mountains themselves, for they limit and obstruct the vision by their nearness more than the rock-crowned monarch itself. But once upon the summit the plain is unrolled like a scroll

for a hundred miles, and these hills dwindled, in relation to the whole, to their proper insignificance.

And thus it is to-day, while we are traveling in the Valley of Discontent and Slough of Despond, small obstructions and little troubles appear great; but when we view the course of nations and the growth of the United States during the first century of its life from the higher standpoints of historical philosophy, which unrolls to our gaze the future, and permits us to look far away into the past, we find that our present ills are transient, that the obstructions to our progress are comparatively insignificant, and that the future is secure, based as it is upon the growing intelligence and virtue of our citizens and the unceasing activity of the laws of national progress.

### CHARLES SUMNER.

The death of Senator Sumner was at last so sudden as to give a shock to the whole country. Though for many years his physical condition had been a subject of public concern, often causing reports of his illness, and raising anxiety about his condition, yet no man had a finer physique, a more robust constitution, a more imposing and grandly developed form than he. Standing six feet and four inches in height, of upright carriage, noble visage, and great dignity of presence and demeanor, he was in his person a man as fit to succeed the immortal Webster as any that his native State could have selected. When Brooks struck him down with his bludgeon in the Senate chamber in 1856 he was destined from that time to suffer bodily as probably no other public man has suffered in the midst of the great cares, labors, and responsibilities of his eminent position. For four years succeeding that sad occurrence he was entirely laid aside, and it was only after the most severe and protracted treatment under the hands of the most renowned medical men that he was enabled to appear again in his place in the Senate and resume the task to which his life had been devoted.

How far the shock given to his system, nearly twenty years ago, exerted its influence upon his later life it is difficult to determine. But certain it is, that from causes more or less obscure, he was subjected to an experience of physical distress which few men could have endured as he did, while at the same time engrossed in the most prodigious intellectual and public labors. During the past two years he has been so much prostrated at times that he was obliged to withdraw from the occupations of the Senate and seek rest in foreign travel. But returning to his seat during the winter just passed, he has been able generally to attend upon the daily sessions—and on the day before his death he came into the Senate chamber, looking fresher, stronger, and more princely than he had done for many months before. But this was only the appearance. He had felt something of a return of his old trouble on the Sabbath morning previous, though the knowledge of it did not transpire beyond a very small circle of his most intimate friends. It was on Tuesday, March 10, 1874, that he came for the last time to the session of the Senate. His intimate friend, Senator Schurz, was to

speaking upon the subject of the national finances, and Mr. Sumner went quietly to him and whispered in his ear, "I should like to stand by you in this discussion, but I can not—my trouble is here," placing his hand on his chest. He did not wish it to be known that he was suffering so much. The day passed on, and then, toward the closing hour of the session, his colleague, Senator Boutwell, introduced the communication of the Governor, and the resolution of the Legislature of Massachusetts, the purport of which was the removal of the censure inflicted on him some two years ago and which cut him deeply to the heart. Of course this public form of the reversal of that censure was as deeply grateful to his feelings. And it is a striking circumstance that this should have been the last business to which he ever gave his attention in that famous arena of his great and distinguished efforts. Soon after he passed out of the chamber never to return to it alive.

His history is so fresh before the country and his character so public that we should have but little to record of that which has not already been published.

His family origin has been so recently related that we need only recall the more general facts. He came from the hardy and powerful race of Kentish men in England—men who were tall, well developed, athletic, martial, and who generally held the front of the battle. The Sumners came to this country in an early day. One of the name, who lived in Roxbury, is thus characterized: "Never was there a man better calculated for the sturdy labors of a yeoman. He was of colossal size and equal strength of muscle, which was kept in tone by regularity and good habits. He shrunk from no labor however arduous or fatiguing it might seem to others. He performed wonderful feats of strength the stories of which long after survived his death.

Increase Sumner was one of the most distinguished and venerated judges and governors of Massachusetts. He was indeed one of the nursing fathers of the State when just emerging from English

tutelage. Some of his sentiments are bold and striking. "The man," says he, "who, regardless of public happiness, is ready to fall in with base measures, and sacrifice conscience, honor, and his country merely for his own advancement, must (if not wretchedly hardened) feel a torture, the intenseness of which nothing in this world can equal."

Again, speaking of the new Republic which had just been established by the Revolution, he says: "May we not then pronounce that man destitute of the true principles of liberty and unworthy the blessing of society who does not at all times lend his aid to support and maintain a government on the preservation of which depends his own political as well as private happiness?"

This man was carried to the gubernatorial chair with a popular enthusiasm excited by his stately person and his high intellectual and moral worth. "Thank God, we have got a Governor that can walk at last," exclaimed an old apple-woman, as he passed by in state at the head of the legislative body from hearing the election sermon in the old South church.

The father of the deceased Senator was the cousin of this venerated man, and no less distinguished for the personal and intellectual traits of the Sumner family. He was an able lawyer, and for a long time high sheriff of Suffolk county, and is remembered as a man of the noblest type with the greatest admiration. "Noble in person, in manners, and in mind, and of most immaculate integrity." He is said to have been the last high sheriff "who retained the antique dress derived from English usage, and the costume well became his lordly person and graceful dignity of manner."

The birth-right of physical vigor, patriotic sentiments, and noble ideas thus naturally descended to Charles Sumner. He belonged to the society of Beacon street, and to what Oliver Wendell Holmes declares to be the "Brahmin caste of New England"—that "homeless, untitled aristocracy in whom elevated notions of life and aptitudes for

learning seem, in his own words, to be hereditary and congenital." The Cambridge catalogue will show a long line of Sumners from 1723 down to the graduation of the late lamented Senator. He pursued his education in the Boston Latin School and in Philips' academy, and in Harvard college, where he finally graduated in 1830. Here he also pursued his law studies under Judge Story, and was admitted to the bar in 1834. He immediately became distinguished in the profession and was offered a professorship in the law school, which he declined.

In 1837 he visited Europe for travel, observation, and study, and after an absence of three years, having added to his previous stores of knowledge an extensive acquaintance with the languages and literature of modern Europe, he came home. It was in this period that the Whig party was in the full vigor of its power, and to this party he belonged by birth and by tradition. He was immediately recognized as a promising and rising man, although the older political leaders regarded with some concern the simple earnest zeal with which he began to apply the principles of divine legislation to the affairs of men. The slave power was then most dominant. It had enchained not only the negro, but the white man. Its fetters were riveted on the very limbs of the nation. No one dare breathe an accusation against it.

The consternation of his caste became signal when this young and favored son of Cambridge, fresh from the civilization of Europe, and with all his honorable prospects before him, gave tokens of inclining toward the hated and despised Abolitionists. This was all contrary to the highest expectations that had been formed of him. It amounted to political and social ostracism. He was warned, as he valued his peace and reputation, not to strive against the overwhelming array of sentiment which stood compact for the preservation of slavery and the confirmation of the slave power.

But in spite of such warnings and cautions he decided to give in his adherence

to the cause of the down-trodden, and from that day forward he was a bold, pronounced, and effective worker in the cause of emancipation.

On the 4th of July, 1844, in view of the impending Mexican war, he delivered in Boston an oration on "The True Grandeur of Nations." This may be regarded as the signal gun of his separation from the Whig party. It was followed by various other speeches, until he proposed as the rallying cry of the party, "Repeal of slavery under the Constitution and laws of the Federal Government." He made the proposal in vain. He called upon Daniel Webster, then in the Senate, to assume the unperformed anti-slavery duties which he had so vainly urged upon the whole party. "The aged," he says "shall bear witness of you; the young shall kindle with rapture as they repeat the name of Webster, and the large company of the ransomed shall teach their children and children's children to the latest generation to call you blessed, while all shall award you another title, not to be forgotten in earth or heaven, 'Defender of Humanity.'"

But Webster was deaf to the appeal, and finally made a bold stand for the compromise measures of 1850, including the fugitive slave law.

In the session of 1846, Mr. Winthrop, then a Representative from Massachusetts in Congress, voted for the Mexican war. Mr. Sumner, in a published letter, rebuked him for that act, showing that the war was to be waged in the interest of slavery extension.

But finding all his protests fruitless within the lines of the Whig party he parted from them in 1848 to unite with others in forming the Free Soil party, and to lay down the distinctive principles which should compose the platform of this new organization.

Following these events came on the fierce contest of the fugitive slave law, which presented the most bitter and humiliating test to the North that had yet been devised. And when it was thought that she could not endure it,

and that she would be forced by her convictions into separation, then it was that Daniel Webster threw the weight of his great influence into the scales for Union with this law of capture and return of fugitive slaves, and for a time the Northern people, perplexed and doubtful, paused in acquiescence and submission. But that was the last trial of their degradation. The curtain rose upon the next scene, showing certain figures prominent in the capital of the nation that were to play a part so different from that which had hitherto been witnessed. Sumner was carried into the Senate of the United States to take the vacant seat of Webster. A few intrepid spirits stood with him in the Senate and in the House.

For a period of twenty-three years Mr. Sumner has filled his chair in the United States Senate as the successor of Daniel Webster. His part in the eventful history of the times has been so often related that we do not propose to detail it in this paper. He has held a very prominent position in the great debates which have from time to time occupied the attention of the country, especially in reference to the interests of the colored race. Having dedicated himself to the work of laboring for their elevation, all his powers have been expended in that direction. He has had little, comparatively, to do with other great interests affecting the general welfare of the whole country. His correspondence has been voluminous and his labors gigantic. He was editing at the time of his death a work of twelve volumes of his speeches and various utterances, and had nearly completed the tenth volume. His reputation abroad and his acquaintance with foreign dignitaries was not surpassed by those of any other living American.

But it appears that he had well nigh finished his task when summoned away from the theater of life. He was almost the last of his immediate family and name, and with his decease there are none left to come after him in the great arena he has occupied so long. He was,

in many respects, a great man, a great scholar, finished and euridite beyond most of the men of his time. His death evoked an almost universal expression of sympathy, which was evinced at every point and in every conceivable manner during all the sad ceremonies attending his funeral.

It is yet impossible duly to estimate the weight of his influence upon the course of public affairs, or to fix his just position in the history of the Republic. One thing is true, the currents of life are so swift, the onward rush of events so multitudinous and engrossing, that the past is soon buried in oblivion and the mightiest names live only in the recollections of the romantic.

**A FEW MORE THINGS THAT CONGRESS CAN DO.**—Congress can pass a postal telegraph bill, and thus bring that important service under the regulations of law, cheapen its cost by at least one-third, utilize the delivery branch of the postal department, and enfranchise commerce and the press from an oppressive and grasping monopoly, without imposing any additional burden upon the National Treasury.

Congress can sanction the issue of the so-called forty-four-million reserve, and thus relieve the business of the country from further disturbance or anxiety as to the maximum amount of Treasury-note circulation.

Congress can pass a well-guarded free banking law, and thus put an end to the existence of a monopoly which, while it is continued as such, will become more and more offensive to the people, until finally its abolition will be demanded.

Congress can organize a transportation commission to examine into and report upon the best means of regulating and providing for the accommodation of inter-State commerce and the interchange of the products of industry.

Congress can provide measures of encouragement on the subject of education by distribution among the States of the net proceeds of the sales of the public lands and of the fines and penalties collected for violations of the national laws.

## WORK OF THE FORTY-THIRD CONGRESS.

For the last month the principal topic of discussion has been upon finance. Both the Senate and House have adopted the sum of \$400,000,000 as the maximum amount of Treasury-note issue, and it is probable that a free-banking law will be sanctioned at an early day, and thus the currency legislation for the present session will be consummated.

### REGULAR APPROPRIATION BILLS.

The army bill appropriating some twenty-three millions, the navy bill appropriating some eighteen millions, the fortification bill appropriating some five or six millions, have finally been passed. The work of the Senate is pretty well up, that of the House is dragging behind. The prospect of a long session is now certain.

### INVESTIGATIONS.

The House committee having in charge the investigation of the working of the law in respect to moieties, and its effects on merchants in the large cities especially, have developed a state of facts which have attracted the attention of the whole country. It would seem that some modification of the law should be made for the better protection of all parties.

The joint committee for the investigation of the affairs of the District have been finally organized and entered upon their laborious task. The evidence thus far elicited seems to present no salient points in the case of the memorialists.

### THE DEATH OF SENATOR SUMNER.

The principal event of the present month which has overshadowed the proceedings of Congress and arrested the whole country is the sudden death of Senator Charles Sumner, of Massachusetts, who died March 11, 1874, at his residence in Washington, having been as usual in his seat in the Senate the day before. His funeral was attended in the Senate chamber, Friday, March 12, by an immense concourse of persons, all the high officials of the Government being present with very few exceptions. The ceremonies were simple, solemn, and imposing.

The body was escorted to Boston by the Massachusetts delegation as mourners and by the Senate and House committees appointed for that purpose under the charge of the Sergeant-at-Arms of the Senate and his assistants. The obsequies in his native city were concluded on Monday the 15th instant, amid an overwhelming outpouring of the people.

### THE CENTENNIAL BILL.

This bill has for the present been dropped from consideration, the question whether the centenary of the Republic shall be celebrated as a national or international affair being still left open.

### THE CIVIL RIGHTS BILL.

This bill is ready to be reported and is only awaiting the return of Senator Edmunds from the South to be presented to the Senate. It is considerably modified, as we understand, by the last revision of the committee.

### THE BANKRUPT BILL

Has been extensively discussed in the Senate and received many important amendments. It remains to be seen whether they will be adopted by the House. The principles which underlie the law of bankruptcy have been thoroughly exposed, and it is likely that a better law will prevail in the future. The effect of the old law in some of the States has been unfavorable, and the object now is to obviate some of the principal objections, while retaining such features as will best subserve the interest of both creditor and debtor.

### PRIVATE BILLS.

A large number of private bills have been passed in the routine business of Congress, but an immense quantity yet remains on the calendar and in the rooms of the committees. Many of these bills will lie over untouched. The applications for public charities during the present session have been comparatively few. The spirit of retrenchment and reform is so predominant that members will scarcely listen to any such proposals. Indeed they are so cautious that they are in danger of going to the other extreme and suffering vital interests to languish for want of proper support.

## CUSTOMS MOIETIES AND THE SANBORN CONTRACTS.

A clear and full explanation of these terms seems to be necessary, as the mass of our citizens have probably heard of their existence for the first time.

The system of paying moiety on forfeited goods to custom-house officers and to informers is as old as our revenue laws, having been derived from England, where it is still in force, and has many good reasons for its existence. The moiety system can be divided into two heads—"official moiety" and "informers' moiety." On all goods that have been forfeited to the United States on account of smuggling or undervaluation the laws absolutely provide that one-half of the proceeds of fines and forfeitures shall go to the chief officers of customs, the collector, if that officer is alone, or to the surveyor and naval officer with the collector jointly, unless there is an informer or seizing officer, in which case the collector, surveyor, and naval officer receive only one-quarter, while another quarter goes to the informer or seizing officer, and the balance is covered into the treasury.

The functions of the Treasury Department are solely confined to ascertaining who was collector at the time of the seizure, and which, if there be conflicting claimants, was the informer or seizing officer.

Under our system of *ad valorem* taxation of hundreds of articles and the ever varying scale of *ad valorem* assessment, governed by the quality and texture of the article, the temptations to undervaluation and smuggling are very great. It is believed by those who have examined with great impartiality the entire subject, that while the Government by an equalization and readjustment of salaries can very well dispense with the official moiety system, special rewards must ever be offered for special services in the detection of fraud, for otherwise it will be impossible to collect the duties and to render that protection to honest merchants to which they are entitled. In

fact the loudest complaints have been made by honorable importing houses that owing to the success of undervaluation on the part of less scrupulous rivals their business has been greatly injured. Although the attempt is made to fasten upon the present Administration some degree of blame in the execution of customs laws, these moiety laws were enacted in the very first Congress by the fathers of our nation, whom we are taught by the pseudo-reformers to revere as examples of virtue and political wisdom. For many years the laws have remained unchanged and the executive officers have had no discretion whatever, but to hand over the moiety to the proper parties.

Ex-Secretary Boutwell and Secretary Richardson have been desirous to secure some modification of the moiety law, and if the present Congress can devise ways and means by which the system can be abolished without imperiling the revenues they will have the hearty co-operation and support of the Administration. The case of the great house of Phelps, Dodge & Co. is cited as an example of custom-house oppression. Their books were seized for alleged undervaluations carried on for many years and amounting to millions of dollars. They were advised to bring their case into court by Secretary Boutwell, but they preferred to induce the Department to accept a compromise by the payment of \$271,000, which they themselves offered, and we are informed that there is a letter on file in the Department in which Phelps, Dodge & Co. thank the Secretary most cordially for having accepted their offer.

We have not sufficiently studied the merits of this case to pronounce judgment, but it seems to us that Phelps, Dodge & Co. are presuming very much upon the gullibility of the public in its desire to find fault with the Government when they assert that they handed over the pitiful sum of \$271,000 merely to avoid litigation. The aspersion upon

the character of George S. Boutwell for fairness and honesty in accepting \$271,000 when Phelps, Dodge & Co. were only equitably liable for \$1,500 can be easily repelled whenever the Massachusetts Senator or the Secretary of the Treasury choose to give their side of the case to the public.

The Government is denounced in unmeasured terms on the one hand for not collecting duties, for connivance with the merchant princes to build up colossal fortunes at the expense of the masses, and when once in awhile one of these great firms is brought to grief, the same class with redoubled zeal are endeavoring to arouse public indignation against the officers that have executed their trusts.

The Sanborn contracts, which have gained a temporary notoriety, were based upon a provision of law which was enacted by the last Congress, and which authorizes and directs the Secretary of the Treasury to promise contingent fees to not exceeding three persons for the recovery of concealed and illegally withheld dues to the Government. No honest man, therefore, need to be in terror of this enactment. In pursuance of this law contingent fees for their collection were promised to Mr. Sanborn as one of the persons who did discover and collect upward of \$400,000, which were paid into the treasury, and of which he received one-half, or \$200,000, as his share. Mr. Sanborn testifies that he expended upward of \$100,000 of this sum to obtain the necessary information and to bring the parties to justice.

It should be borne in mind by the public that if the Sanborn contracts had never been made the \$400,000 would have remained in the pockets of the delinquent and dishonest tax-payers—chiefly railway corporations—and the Treasury would have been \$200,000 poorer for it. But, while this is the fact, we hesitate not in saying that these contracts should be speedily revoked, and the law authorizing the same promptly repealed.

We take the ground that these taxes had better never be collected at all than to be

collected at such a per centage. In fact, it has been found that the cheapest and most economical method of performing Government work of all kinds is at a fixed salary, and that all contracts of whatever nature should be avoided as far as practicable.

It is very sad to think that, with the great profession of virtue on the lips of private citizens and their professed bad opinion of Government officials, so many of them should resort to all manner of dishonest tricks to evade taxation, and thus set such bad examples for Government officers to follow.

But inasmuch as the system of collecting taxes by contracts would lead to the demoralization and disorganization of the civil service, we believe this law and the contracts based thereon, though they have been made with the best intention to secure the Treasury of the United States against systematic robbery, ought to be repealed and the collection of taxes remanded to the ordinary salaried officers of the Government, with a system of special rewards for extra services, to be determined, upon a regular schedule, by the Department.

#### THE NEW HAMPSHIRE ELECTION.—

The Concord *Monitor* has revised its returns of the vote for Governor of New Hampshire at the late election, and gives the results as follows: McCutchins, Republican, 34,138; Weston, Democrat, 35,598; Blackmer, Prohibitionist, 2,097; scattering, 42. Mr. Weston lacks 679 votes of an election. Of the Councilors the Republicans have elected one and the Democrats one; there is no election in three districts. The Republicans have elected their candidates for Senator in the 1st, 4th, 9th, and 10th districts, the Democrats theirs in the 3d, 6th, 11th and 12th districts, and there is no choice in the 2d, 5th, 7th, and 8th.

BALD MOUNTAIN, in North Carolina, has given every indication of a volcanic eruption. The people living in its vicinity have been greatly alarmed, and many have left their homes to escape threatened destruction.

## PROTECTION OF IMMIGRANTS.

We notice that a number of journals printed in the German language complain that Congress has taken no action upon this important subject. One of the reasons undoubtedly is that thus far the Committee on Commerce in both Houses have not had the floor; and in this connection it may be well to give a brief history of the action of the Administration upon the subject.

In 1871 Secretary Boutwell sent an agent to Europe to thoroughly investigate the question of giving better protection to emigrants *in transitu*. On his return he made a report, making several valuable suggestions, which report was sent to Congress with a special message by the President, who earnestly recommended legislative action.

A bill was drafted by Hon. Mr. O. D. Conger, which was subsequently reported by the Committee on Commerce, of which he was a member, for action, and an attempt was made to place it upon its passage, but the opposition of the united Democracy in a nearly evenly divided House, aided by a few Republicans from New York State, sent the bill to the Committee of the Whole, which was equivalent to its defeat for the session.

The reason why the Democrats so strenuously opposed the bill, both Messrs. Potter and Fernando Wood taking the floor against it, was that the Emigrant Commission of the State of New York is permitted to levy a tax of \$1 50 upon each emigrant arriving in New York harbor. At that time this commission was under the control of Tweed's Tammany Hall organization. This commission, having at its disposal nearly \$600,000 of annual income, fully one-half of which is paid out in salaries, hesitated not to employ "prominent counsel," which in these days is a polite synonym for lobbyists to oppose the interposition of the Federal Government.

The *New Yorker Staats Zeitung* denounced the measure in the usual slang-whang manner as one of bribery, corrup-

tion, centralization, &c., and the majority of German papers, always anxious to find fault and without either the means or disposition to investigate anything for themselves, took up the cry and put forth what influence they could to secure, not its amendment in any particular where it might have been defective, but its defeat.

Since 1871 the Emigrant Commission in New York city has been reorganized by the appointment of Republican Commissioners, and all of a sudden the Democratic press, particularly the German portion thereof, have discovered that the assessment of \$1 50 upon every emigrant, though he may not remain two hours in the city of New York, to be expended at the absolute discretion of a commission whose accounts are not to be questioned or revised by any one, is a gigantic swindle. These journals now have the audacity to accuse the Administration with a lack of interest for the emigrant and a desire to oppress him. A more pitiful exhibition of partisan selfishness, and a more conspicuous example of the reckless manner in which the public press is conducted have rarely been presented.

The fact is, the Administration has never faltered in its desire to afford complete protection to immigrants. The Senate of the United States at its extra session adopted a resolution requesting the Secretary of the Treasury to make further and more scientific inquiries, and thereupon a commission of several gentlemen was dispatched who made a most exhaustive report, of upward of two hundred pages in print, which is considered by all who have studied the subject a most valuable treatise, reflecting credit upon official life. This report, with drafts of laws, is now pending before Congress, and we have no doubt that before the end of the session some proper measure will be adopted.

Of course, whatever may be done, whether it is the abolition of the New York State Commission or its retention

under the direction of the Federal Government or the passage of a bill looking only to the protection of emigrants outside of the port of New York, will be denounced with the same virulence that has characterized the past. It having come to pass that whatever Congress does or omits to do is subjected to the same rancorous and spiteful misrepresentations and calumniations, either Congress must emancipate itself from all control of an unreasonable press, or our Government must come to a stand still.

It is now the case that upon the great questions of finance, currency, taxation, and inter-State transportation, while a great majority of the members profess to be in favor of the general principle of any measure of relief, a majority will constantly be found voting against every particular bill that is under consideration. Inasmuch as general ideas can only be crystalized upon the statute books by special measures a constant negation destroys the efficiency and power of our legislature and tends to reduce the Government to anarchy and confusion.

We hope that the well disposed portion of the German press will read the public records, examine the question of the protection of immigrants for themselves, and make affirmative suggestions, for it is their duty as co-rulers of the United States to assume their share of the responsibility of measures of legislation.

They but poorly discharge their trust who are content to find fault with and condemn what others may propose without ever venturing a proposition of their own. Whenever these critics will enter the field of statesmanship by devising ways and means themselves they will find so many difficulties to overcome that they will become more charitable toward those who may not succeed altogether in removing them.

Let the subject of protection of immigrants be thoroughly agitated and proper acts of relief will sooner or later be adopted.

### CURRENT ITEMS.

**EMPEROR WILLIAM** of Germany has reached his 77th year.

The recent discovery of a large amount of counterfeit money in Cuba has brought about a financial panic in Havana.

**THE Ashantee** expedition has returned to England. It is reported that General Wolseley will receive the rank of major general, and a pension of \$7,500 per annum for two lives.

**GENERAL CONCHA** has been appointed Captain General of Cuba. This officer has a reputation of being cruel in authority. His appointment would indicate a relentless prosecution of the war.

**GENERAL BURNSIDE** is talked of as the probable successor of Senator Sprague, of Rhode Island, whose term expires in 1875. Since Sprague's failure his political friends have given him the cold shoulder.

**AMONG** a collection of autographs in Massachusetts is a visiting card of Daniel Webster, on which is written, "Admit Mr. Sumner to the floor of the Senate."

**FITZHUGH LEE**, nephew of the late Robert E. Lee, has petitioned the Senate of the United States for the removal of his political disabilities. His petition was referred to a committee for examination.

**THE** President issued an order on the 26th March consolidating the 8th and 9th collection districts of the State of New York. The district will be known hereafter as the 4th collection district. Charles B. Coster is retained as the collector.

**THE** receipts for customs at the principal ports for the week ending March 21, 1874, were : New York, \$2,508,654 80; Boston, \$291,086 88; Baltimore, \$198,635 88; Philadelphia, \$176,159 75.

**THE** merchants of New York held a meeting at Steinway Hall on the evening of March 25 to protest against the present moiety system, and to take such steps as were necessary to correct the troubles growing out of the execution

of the revenue laws. Speeches were made and resolutions adopted expressing the sentiments of the meeting.

THE Hon. Caleb Cushing, United States Minister to Spain, sailed for Europe March 7, by the steamer *St. Laurent*, of the French Transatlantic line.

THE Hon. Robert C. Schenck, Minister to England, arrived in New York March 7. He is on leave of absence, and will spend most of his time at his home in Ohio.

THE New Jersey Senate, on the 25th of March, passed the compulsory education bill by a vote of 13 to 6. The committee of the New Jersey Legislature appointed to investigate the charges of corruption against the members of that body for 1873 rendered a unanimous report, exonerating all the members therefrom, and condemning in severe language the action of one Livingston, who raised the charges, and then failed to appear before the committee.

JUDGE LOUIS DENT, brother of Mrs. Grant, died at Washington, D. C., March 22, 1874. He was a lawyer by profession, took a prominent part in Southern politics during the period of reconstruction, ran for Governor of Mississippi in 1869, but was defeated by Governor Alcorn. His funeral took place on Wednesday, March 25. His remains were taken to St. Louis for interment.

THE Tichborne claimant is under a cloud. The court has decided against him, and he has gone to jail. The latest sensation is the confession of Charles Orton. He says the claimant is his brother, and that he was paid to keep silent. As he made a statement during the trial that he was not his brother Arthur, and stuck to it until the prison-doors closed on the claimant, few of the common people believe his story as told in his confession. In spite of the law's decision, there are tens of thousands in this country and in Europe who think that the genuine Sir Roger is now serving out a long term of imprisonment in Newgate. It is a sad thing for a lord to

be taken for a common fellow, and be shut up in a prison because he can not prove his identity. Whether he be the genuine Sir Roger or a counterfeit, he has furnished the groundwork for a few hundred first-class novels.

EX-PRESIDENT FILLMORE died at Buffalo, N. Y., March 8, 1874, and was buried March 12. He was born at Summer Hill, Cayuga county, N. Y., January 7, 1800. He was a self-educated man. In his young days he was an apprentice to the clothiers' trade, subsequently studied law, and was admitted to the bar 1823. He was a member of the Twenty-third, Twenty-sixth, and Twenty-seventh Congresses. He was elected Vice President on the ticket with Taylor in 1848, and became President on the death of General Taylor, July 9, 1850. The signing of the fugitive slave bill made him unpopular throughout the North, and his attempts to enforce it aroused a spirit of indignation which at the time threatened to culminate in open armed resistance. The good features of his administration will long be remembered. The opening of Japan through the efforts of Commodore Perry, the explorations of La Platte river, Lynch's visit to the Dead sea, Ringgold's expedition to the Chinese sea, and Herndon's and Gibbon's exploration of the Amazon found encouragement from him. He was a man noted for personal dignity, and was greatly loved by those who enjoyed his confidence and friendship.

THE City of Peking was successfully launched at Chester, Pa., March 18. The vessel is of iron, 5,000 tons burden, and is the finest specimen of naval architecture ever built in this country. She ranks in size next to the *Great Eastern*, and for beauty of finish has no rival on this side of the ocean. She was built by Mr. Roach, and is intended for the China trade. In her construction the total pounds of iron used was 5,400,000. Her length over all is 423 feet; breadth of beam, 48 feet; depth of hold, 38 feet 6 inches. Her coal-bunkers will hold 1,500 tons of coal. She has accommodation for 150 cabin passengers and 1,800 steerage passengers. The City of Yeddo, her mate in size and finish, will be launched from the same ship-yard in May.

## THE STATE AND THE LIQUOR TRAFFIC.

The present intemperate crusade in behalf of temperance, like hundreds of other similar excitements, will pass away, leaving the question to be adjusted by more cool-headed counselors.

Religious excitements similar to those now in progress, although intermittent, are not unknown to history. Peter the Hermit induced half a million of deluded people to join him in a crusade to recover the Holy Sepulcher from the dominion of the hated Mameluke, but their bones bleaching upon the plains of Hungary were the only mementos of their folly, and though Richard of the Lion Heart and his mailed knights entered Jerusalem, their triumph was of but brief duration, and the Quixotic enterprise whose victims are counted by the million ended in ignominious defeat.

We, therefore, address ourselves, not to the immediate actors whose enthusiasm renders them blind to consequences, but to the statesmen of our nation who can weigh this, like other social problems, with disinterestedness and objectivity.

The use of nervous stimulants is as ancient as history itself. The Sacred Volume records that even Noah, the second progenitor of the human race, just preserved from the terrible deluge, and with the awful punishment of evil-doers yet fresh in his mind, indulged in intoxicating drink to excess, and no religious, philosophical, or ethical treatise has been written since that early day that has not raised its voice against this evil.

All nations at all times, and living under every condition of climate and temperature, use some kind of nervous stimulants. Even in the islands of St. Paul and St. George, among the Aleutians, where our Government has strictly forbidden the importation of ardent spirits, the people have gathered a little berry like the cranberry and distilled it into a rancorous and poisonous alcoholic stimulant. And in all countries where liquor is inaccessible and in all commu-

nities where public opinion has succeeded in preventing its open use and sale opiates are substituted. The statistics compiled by competent medical authorities show that in our own country the consumption of opium, principally among the women, has of late years fearfully increased.

It is also evident that the consumption of alcoholic stimulants is daily increasing among civilized nations. As men live faster, as thoughts crowd in quicker succession upon the brain, as acts succeed acts with greater rapidity, the excitement and acceleration caused by the use of intoxicating liquors are more frequently sought, and seem to have become a necessity. We are not prepared to say that absolute drunkenness and that beastly condition which unfits men for the ordinary discharge of their duty has materially increased, but the consumption of alcoholic drinks throughout the civilized world has steadily augmented. Up to 1847 the brewing of lager beer, for instance, was in its infancy, and outside the large cities none could be had, while at present the internal revenue statistics show that nearly eight millions of barrels were brewed during the past year, and a similar increase in the consumption of alcoholic drinks is also evidenced by the tax paid on spirits and the steady operation of gigantic distillery establishments.

We are not about to enter into the disputed inquiry how far nervous stimulants are conducive to health, and how far they constitute a natural want of the system, for upon this point authorities differ. High medical authorities in Europe are of the opinion that the moderate use of wines, beer, and unadulterated spirits is conducive both to longevity and to the stimulation of the mental powers.

But taking mankind as they are, and not as they might be if they came up to an ideal standard, it is the duty of statesmen to adopt practical measures tending to mitigate existing evils. One of the

chief stumbling blocks in the way of rational legislation has been that the majority of those that have hitherto taken an interest in the liquor traffic question have not been temperance but teetotal abstinence men, who have placed their sole reliance upon the absolute prohibition of the sale of intoxicating liquors as a beverage. Thus, while the moderate men of the nation are confronted on the one hand by a strong organization with ample means and large political influences, composed of wholesale and retail liquor sellers who strive for absolute freedom from all restraint, the agitators of the temperance excitement on the other hand will listen to nothing short of absolute prohibition.

That the duty of the State as a political organization is confounded with absolute moral duty is not at all strange, for this mistake with its baneful effects upon society has frequently been committed by religious enthusiasts, and the inquisition of the middle ages is only one of the many forms of its manifestation. The history of mankind teaches this lesson with greater uniformity than all others, that man can not be made moral by legislation. The duties of the State are the prevention of the commission of specific acts of injury by one individual upon another, and the infliction of specific penalties upon those who may be convicted by due process of law. Therefore the liquor traffic question has a double aspect—one falling within the field of moral suasion and the building up of a character so well poised and powerful that intoxication will be as foreign to it as theft and murder—and the other, of preventing specific acts of drunkenness, falling under the supervision of the State. Experience has shown that intoxication has its origin in weakness of character full more than in the sale of intoxicating drinks.

The formation of the character of our youth, so that they can either avoid the use of stimulating drinks altogether or partake of them with moderation, falls within the province of the family, the school, and the Church—and here is

where the influence of the mother, wife, or daughter is all powerful.

Surely a wife can hope of greater success in persuading her husband and sons not to drink liquor than of inducing, by prayers, the average saloon keeper to abandon his business. Yet if she should succeed in preventing the patronage of the saloons they will be compelled to close without violent demonstrations.

The restraint of the drunkard who has broken the laws by indulging in intoxication, and the punishment of the liquor-dealer who is aiding him in getting intoxicated, belong to the State. Therefore, while we fully accept the duties of the State and shrink from no responsibility in their acceptance, we are necessitated to point out practicable and enforceable instead of impracticable remedies that "keep the word of promise to our ear and break it to our hope."

#### ABSOLUTE PROHIBITION.

It is upward of twenty years since the Maine Liquor Law—so called because it was first adopted in the State of Maine—has had a trial, and a number of States have since imitated Maine's example; but the testimony is universal, and the present prayer crusade is culminating evidence, that prohibitory statutes have failed.

During the war Alexandria, Va., was a military post, and the military code had superseded civil law. The importation into Alexandria and the sale of liquor therein, except by a specially authorized and bonded agent, upon a certificate of a regular physician, was prohibited. The penalties were a fine of \$100 for the first offense, of \$200 and thirty days in jail for the second, and of being drummed out of town for the third. Provost guards patrolled the city, containing not over twelve thousand inhabitants, as often as every two hours. They had the right to search both in the day and night time. A bottle of liquor found upon the premises was sufficient evidence to insure conviction. The parties were arrested immediately and tried the next morning before an officer of thorough teetotal abstinence proclivi-

ties. Surely the most zealous teetotal abstinence man in the country, who is ready to sacrifice every principle of personal liberty upon the altar of his favorite hobby, could not ask for more terrific power or desire more powerful machinery. What is a pitiful State constabulary force, hampered by forms of law and a jury trial, compared with this absolute and irresistible military machinery?

That guard did enter houses at midnight. A file of soldiers under the command of a sergeant rattled their guns as they halted in front of the premises; a corporal knocked at the door, and if entrance was delayed the soldiers forced an entrance by breaking either doors or windows with the butts of their guns. They went through the house from cellar to garret. They pounded upon the floor to discover a false bottom; they removed the carpets; they opened every chest and drawer; they searched both in and under the beds. They were not unfrequently successful in their search; and King street, in Alexandria, is paved today with the proceeds of the fines obtained from liquor-sellers.

But did means so violent succeed in suppressing the sale of liquor? By no means, for whenever a soldier could raise twenty-five cents for a drink and from two to five dollars for a canteen of whisky he could get it. Liquor was transported into Alexandria in loads of straw, in hogsheads of molasses, in false bottoms of wagons, in husk mattresses, and in what seemed barrels of flour; and it was hid in shelves in chimneys, under piles of coal, and suspended between the walls, and under a variety of disguises, baffling the ingenuity of the provost marshal, his detectives, and his guards. If, then, in a territory so limited, under conditions so favorable, and with machinery so powerful, in the absence of a jury trial and of all civil process, the sale of liquors could not be suppressed, how will it be possible where the safeguards of the common law exist?

The means necessary to secure even the approximate suppression of the sale

of liquor are destructive to personal and civil liberty. If the constitutional safeguards of the law can be suspended in one case and for one purpose, if a citizen's house is not his castle but can be entered by a spy, without due process of law, for the purpose of ferreting out the sale of liquor, a blow has been struck against the principle of an inviolable home which will sooner or later lead to the most terrific despotism. Statesmen should never forget that whatever may be the evils of drunkenness they are by far and infinitely less than the suppression, or even an imperiling of personal liberty. Abandoning, then, the doctrine of absolute prohibition as impossible of execution and as necessitating a local machinery subversive of individual rights, let us consider what the state may do in restraint of the liquor traffic with any hope of success.

#### A REGULATIVE LAW.

We suggest that the clear-headed and well-meaning men of the nation who are desirous of placing reasonable safeguards around the youth of our land should give a law with provisions like these a fair trial. First, that the local authorities of each township or any incorporated city or village should be permitted at their (local) option to issue licenses for the sale of liquor on these conditions: that the license fee shall not be less than fifty dollars, that not more than one place shall be licensed for every five hundred inhabitants, and that only owners of the premises upon which liquor is sold shall receive license. We lay considerable stress upon this last provision, because, although a person not owning the premises may give bonds, yet the public experience about recovering anything upon penal bonds is not such as to induce us to place great reliance thereon. The issue of licenses only to the owners of premises places the business in the hands of the more responsible class, who, as they can not run away over night and are able to respond in damages, will be more careful to comply with the provision of law. One of the provisions should regulate the hours

of the night when these places shall be closed, and we think that ten o'clock in the country and eleven o'clock in the cities would be sufficiently late. It is in the late hours of the night when drinking amounts to drunkenness, and hilarity is converted into violent conduct and crime.

Second. The law should also provide that if any liquor dealer sells to a minor or a drunkard, he having good reason to know them to be such, he shall be fined, and on the second conviction his license shall be withdrawn. Liquor sellers might also be compelled to respond in civil damages which a minor or drunkard may have committed while under the influence of liquor. But while advocating these restraints, we demand fair play for the liquor dealers also. While we would not insist that personal notice be served upon the dealer that a man is a drunkard or is a minor, before he should become liable, we would not punish unless he had a reasonable chance of knowing that the individual is not of age or a drunkard. The question of bringing home a guilty knowledge to the dealer, or whether he had reason to believe that the persons to whom he sold liquor were either minors or drunkards, could be well left to a jury, who would, in most communities, not be likely to be biased in behalf of the liquor dealer.

We would also provide for the appointment of a competent inspector of liquors, who should particularly inspect the establishments of wholesale dealers, and who may be placed under the direction of the boards of public health in the larger cities. These inspectors should have the right to absolutely condemn all liquors found to be adulterated with deleterious or poisonous substances. There is no doubt that much drunkenness and still more of its violence is brought about by the consumption of poisonous and adulterated liquors.

#### TREATMENT OF DRUNKARDS.

The State should also establish inebriate asylums and should treat habitual drunkenness as a disease rather than as a crime. While the present enthusi-

asm travels like a prairie fire, in local communities hundreds of men will sincerely sign the pledge of total abstinence, and yet in a few days or weeks the irresistible craving of their system will compel them to break these pledges, thus lowering themselves in their own self-respect and in the esteem of their friends, and becoming worse than before. The habitual drunkard should be treated as a diseased person, precisely as the insane or the blind are treated. He should be sent to an inebriate asylum for no definite time, but until medical authority discharges him as cured. One of the most fallacious and outrageous features of our criminal jurisprudence is to send habitual drunkards—both men and women—to the workhouse for thirty, sixty, or ninety days, where the enforced abstinence will increase the craving for liquor, so that on their release they rush to the rumshop as the famished camel in the desert scents the fountain. Precisely as the arsenic eaters can take large and increasing doses of arsenic without apparent injury to their health, but are compelled to continue its use thereafter, so the physical system of the habitual drinker can only be cleansed by continuous medical treatment. It may be necessary to administer substitutes or small doses of spirits until the system has righted itself. In a vast majority of cases where men have become habitual drunkards the will power is utterly paralyzed, and therefore a thorough medical cure is the only remedy that promises success.

#### COFFEE AND TEA SALOONS.

Another measure of reform is the establishment of coffee and tea saloons, where men can play billiards, chess, chequers, and dominoes, or indulge in any other innocent amusement, where no intoxicating liquors are sold. That men who have toiled in the office or shop or behind the counter all day are craving for amusement at night, and that amusement must be provided for in some way, is so manifest that it requires no argumentation. If then the responsible portion of the community establishes and

supports coffee and tea restaurants the mass of the youth, who generally if not always prefer respectability to coarseness, will be attracted to spend their evenings in these places. The substitution of such places of healthy amusement will greatly diminish the demand for liquor saloons. For the rest we must trust to the strengthening and training of the individual character of the youth at home, in school, and in church, so that they may be placed beyond the temptations of intoxication.

In proportion as we limit the number of places and the personal influence and money power of those engaged in the sale of liquor, in that proportion we give an opportunity to the moral sentiment of the community to work upon the character of the people and induce them to become temperate and abstemious.

While it is impossible to please the two extremes in this controversy it is possible to interest and unite the great majority of considerate and well-meaning men, not merely to aid in the passage of laws like the one suggested, but who will also see to its strict enforcement. Let us, then, be temperate in all things, for the best of causes will not compensate us for the sacrifice of individual liberty guaranteed by the Consti-

tution, because the precedent thus made is dangerous and liable to abuse. Yet let us show a willingness to do everything practicable to restrain the evils of intoxication, which the State as a political body ought to undertake. We can decree the act of selling liquor to a drunken man or habitual drunkard illegal, and hold the dealer responsible.

It is true the liquor-traffic question is not a national but a State question, but it is nevertheless desirable that the Republican party should take a united and harmonious stand and meet this new issue in the various States with the prudence and calmness which have characterized its great success during the war and in the reconstruction of our common country. A positive and creative policy is the only one which a party charged with the responsibility of power can safely adopt, and its adoption will moreover save our State Legislatures from the vacillation and the manifold evils which will ensue as one or the other extreme parties to the controversy may obtain power.

These suggestions are submitted not as a panacea, for all great evils are a growth which can only be eliminated by time and long-continued effort, but as one of many acts of policy tending toward their eradication.

## MICHIGAN.

The Legislature of this State has been convened especially to consider the draft of a new constitution preparatory to its submission to the people for approval.

The following message of Governor Bagley contains some very valuable suggestions pertinent to the times and worthy of the consideration of the people:

**SENATORS AND REPRESENTATIVES:** In accordance with the provisions of Joint Resolution No. 19, passed at your last session, I appointed \* \* \* a commission to prepare such amendments and revision of the constitution as, in their judgment, might be necessary for the best interest of the State and the people. The commission met at the

Capitol on the 27th day of August last, and completed their labors on the 16th day of October, having been in session thirty-nine days. In the appointment of this commission I endeavored to select gentlemen representing, not only the varied interests of the State, but also the different shades of opinion on public matters. It seems to be the import of the resolution that the report of the commission be submitted to the present Legislature; and there are many good reasons why this should be done, which have influenced me in calling you together in special session. These are patent to any one upon a moment's reflection, and need not be enumerated here.

The resolution under which the commission met declares what is well understood by all whose business or inclination has

called upon them to examine it, "The existing constitution of the State of Michigan is defective in many respects, and needs to be amended to conform to the growth and development of the State, and the advanced ideas of the people." The work of the commission has now been before the people since October last, and, it is but fair to presume, has received candid and careful attention. In calling you at this time to consider their report, the proposed amendments will be kept before the people, until they shall have an opportunity to express their will upon them at the ballot-box in November next, and can not fail to have a more intelligent, fair, and careful consideration than if the matter be postponed by waiting for a regular session, until the general election in 1876, when the heat and partisan strife of a Presidential contest will assuredly prevent questions of State interest, of however much importance, from receiving the unprejudiced judgment of our citizens. I doubt not that each one of you has already given the subject careful and earnest attention, and I hope your action as a body may be such as will, approved by the people, give to the State a constitution that will be a chart without errors for every public officer—a sure guarantee to every citizen of his individual rights, and by and under which our State may continue its progressive march in the development of its material resources, and establish economy, prudence, and fidelity in the management of public affairs as the organic law.

I feel it hardly my province to express an opinion as to the merits or demerits of the amendments, or to make such suggestions or recommendations as would be expected upon usual matters of legislation, yet I can not refrain from briefly alluding to some of the propositions of the commission.

I deem first in importance the provisions pertaining to finance and taxation:

"SEC. 1, ART. X. No county, city, township, or other municipal corporation shall become a stockholder in, or make any loan or gift to, or lend its credit in aid of, any person, private corporation or association; nor shall any county, city, township, or other municipality construct or become the owner of any railroad. The provisions of this section shall not prevent such municipalities from aiding enlistments and in the support of the families of soldiers in time of war; or supporting their poor in such manner as may be provided by law.

"SEC. 2, ART. X. Each organized county shall be a body corporate, with such powers and immunities as shall be

[established] prescribed by law. All suits and proceedings by or against a county shall be in the name thereof. The power of counties to levy taxes, borrow money, and contract debts shall be restricted by law.

"SEC. 15, ART. X. No city or village shall incur indebtedness, including that incurred by or on behalf of any school district within its corporate limits, so that its aggregate debt at any time shall exceed ten per cent. on the valuation of its taxable property, as shown by the assessment roll.

"SEC. 5, ART. XIV. Every law hereafter enacted by the legislature, creating a debt or authorizing a loan, shall provide a sinking fund for the payment of the same.

"SEC. 9, ART. XIV. The State shall not aid, by gift, or pledge of its credit, any person or corporation, nor shall it subscribe to, or become interested in, the stock of any corporation, nor assume any indebtedness of a municipal or other corporation. The provisions of this section shall not apply to educational, charitable, reformatory or penal institutions which are, or may be, under the care and control of the State."

These are golden words, and might well be engraved on stone and placed in the walls of every capitol in the land. They say to us, "Keep out of debt if possible, but if you must make a debt, let it be for a legitimate purpose, restrict it to your ability to pay, and provide for its payment."

Happily for us as a people, we have not been as wasteful and improvident in contracting debts for schemes, which ought either to be paid out of current taxation, or not sanctioned at all, as many of our sister States. While our State debt is decreasing annually, every year the bonded indebtedness of our cities and towns increase. The policy of issuing bonds for municipal and local purposes is unwise, expensive, and leads to public extravagance. The people of a municipality in voting for the issue of a thousand dollar ten per cent. bond for twenty years forget that the moment the bond is issued they have assumed an obligation of three thousand dollars.

There is, of course, a class of county, city, and township improvements that the future should perhaps help pay for. This, however, is amply provided for by permitting an indebtedness equaling ten per cent. of the valuation.

The adoption of the several provisions above enumerated in the organic law of the State will forever close the door against the schemes of selfish speculators in paper railroads and other wild

financial plans. We shall be prudent in our public expenditures, out of debt and out of danger, and set an example, as a State, worthy of imitation by each citizen in his private business. Had the spirit of these provisions been the rule of action in the management of private and public affairs, we should not have witnessed such a panic as that which so recently swept over our country.

In no department of its labors have the Commission shown more wisdom than in the provisions in sec. 22, art. IV, restricting special legislation, confining the business of law-making within its proper bounds, and thereby saving an incalculable amount of public time and money.

Fully one-half of the time of each legislative session is consumed in enacting special laws for individuals, localities, and private interests that are of no interest or necessity to the general public.

Special and local acts receive less careful consideration than those in which the public at large are interested, and thus much unwise and mischievous legislation finds its way into our statute books.

General laws are safer and better in every case in which they can be made to accomplish the desired end. Over-governing is a growing evil that these restrictions would do much to cure.

The changes proposed in the judiciary department, in Article VI, are radical. The proposed increase in the number of the Supreme Court Judges to five would give a permanency and solidity to judicial decisions that an evenly divided court can not give, while the increase of business coming before the court will soon require an additional judge.

Believing that education is a necessity to good self-government, we spend millions of dollars annually to educate ourselves and those who are to come after us, to make sure that our government shall be good; and so long as our people are thus educated, just so long will they be fitted to elect their own judges.

Our experience for the past twenty-five years with an elective judiciary is to my mind an abundant proof of this statement.

In very many cases partisanship has been silent, and the people have united in casting their suffrages for judges whom they knew to be upright and capable, regardless of all other considerations. There can be no higher evidence of the fitness of an intelligent people to select their own judges than this. I believe that whenever political power is taken away from a people, their fitness to be intrusted with power is decreased,

and that whenever they are called upon to perform new duties, they are stimulated to fit themselves to perform them intelligently and well.

The commission, in sections 1 and 2 of Article IX, provide that in lieu of the present salaries paid the State officers and judges they shall be fixed by the Legislature. That the salaries of some of the State officers, and especially those of the circuit judges, demand a revision, seems to be generally conceded. Very many of our counties have, at different times, made appropriations to be paid directly to the circuit judge. There is no practice so reprehensible as this; but the necessity of it has seemed so apparent that the impropriety and illegality of it has been overlooked. I trust that by no action of yours or the people will our county authorities be tempted in the future to make these unconstitutional appropriations. Since the first of January, 1873, five of our circuit judges have resigned, for the reason that they could not pay their expenses and support their families with their salary. These frequent changes in the judiciary, in the matter of expense alone, cost more than a fair salary, while they take away from our judicial system what should be its leading characteristics, viz: permanency and stability.

The present constitution was adopted in 1850—nearly a quarter of a century ago. Our only State institutions at that time were the State prison and the university. The receipts and disbursements of the State Treasury were less than \$400,000 per annum, while to-day they are nearly \$2,000,000. Almost every State officer at that time received in fees more than his salary. No money was paid the State by its treasurer for interest on deposit of State funds. To-day no State officer receives a single fee of any kind. From table "N." in the Auditor General's report for 1873, you will learn that the payments into the treasury of the State for interest on public deposits and fees from the State officers from 1854 to September 30, 1872, were \$291,435 47, and the receipts from the same sources for the year closing September 30, 1873, were \$39,160 58. From 1838 to the year 1855 not a dollar was received from any of these sources. I fail to find in the financial reports of other States any such aggregate of receipts as this—in many of them none at all—from similar sources. I call your attention to these figures, for, though often published, I believe they are not often read.

These facts show very plainly that whatever may have been the intention

of the framers of our present constitution, the greater portion of the State officers received in fees each year more than their salary. The practice of paying the deputy State officers a greater salary than the principal would seem to indicate that it was expected that the deputies should do the work, and the principals bear the responsibilities, draw the fees, and wear the honors. The business of the State has grown into such volume that any State officer who faithfully performs his duty (if he does it personally and not by proxy) must give to it his entire time and attention. That they do not is simply because some time and attention must be given to some pursuit or occupation by which they can live. Ought we not in lieu of this pernicious system to say to our public officers: "Your salary shall be a reasonable one; you shall have such assistants as the business of your office demands; but we expect and demand of you your personal attention and your individual care of the duties of your position?" This is the straight, plain, and economical way. I do not believe in high salaries for public officers. A salary that will induce men to seek position for the sake of the salary would tend to deteriorate the public service. It is not pleasant to reflect that the best men often can not afford to serve the State, and that a private fortune must be an indispensable condition in filling certain important public positions. This, too, will deteriorate the public service. We all have an earnest and commendable desire to procure economy in administration, and patterns of republican simplicity in public life; we can do this, not by parsimony nor by extravagance, but by occupying a common ground of common sense that lies between the two. I have said that an educated, intelligent people are abundantly qualified to elect their own officers. I also believe they are willing to pay their public servants decently and fairly as they would do in their private affairs.

The article on "Corporations Other than Municipal" contains some new provisions and makes changes in existing provisions, all of which I think are improvements. But I refer to this article not so much for the purpose of calling your attention to what it contains as for what it does not contain.

Section eleven of this article is left to stand as in the present constitution. It is apparent that the sole and simple purpose of the first paragraph of this section is to secure and preserve to the public the benefits which come from competition of railroads in the carrying

business; there is no other thought or idea in it. And it is equally apparent that the provision as it stands will fail of this purpose.

"Consolidation of stock" is only one of the modes by which "parallel or competing lines" may combine and become one in interest. A very common method of effecting the same result is for one of the competing companies to lease the road of the other. Another is to acquire the controlling interest in the stock of the competing company, and thus secure control of the road. There are also other devices for securing the same result. If it be conceded that the policy of advantages of competition in railroad transportation is wholesome and just, as I think it must be, then this provision should be so altered and amended as, if possible, to accomplish this end. Upon reference to the proceedings of the commission it will be seen that the section as reported by the committee on corporations reads as follows:

"No railroad corporation shall consolidate its stock, property, or franchises with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice given, of at least sixty days, to all stockholders, in such manner as shall be provided by law.

"Nor shall any such corporation lease any parallel or competing line of road, and no two or more parallel or competing lines of railroad shall be run or operated, directly or indirectly, wholly or in part, under the same management or supervision, or under or subject to any arrangement, agreement, or understanding with reference to rates of fare or freight to be charged, or for the division of earnings."

If any attempt to preserve the advantages of railroad competition is to be made at all in the constitution, it should be broad enough to do it well.

The issue of stock, bonds, and certificates of indebtedness by railroads, except for value received, is alike an injury to the honest stockholder or creditor and to the people. The practice is wrong, and is universally condemned in individuals. The State should, if possible, put it beyond the power of these beings which it creates to practice it. I suggest the propriety of requiring all corporations organized under the laws of this State to maintain an office therein, where its books shall be kept, showing the amount of capital stock subscribed and paid in, the names of its stockholders, and the amount owned by each. Such books should be kept in the

State for the inspection of stockholders, and for the benefit of creditors. It frequently becomes the duty of the State to investigate the affairs of corporations within it, when such books are absolutely necessary; indeed, the State is largely interested in requiring every tax-paying corporation to keep and maintain within the State such books, not only, but in addition thereto, books showing fully its financial condition.

This, together with other matters referred to in connection with this article, I beg to commend to your most careful consideration. These suggestions are made from no spirit of hostility to corporations. Every citizen of this State must appreciate the value of railroads in developing our natural resources and in promoting our prosperity. They can only be constructed and operated in the future, as in the past, by means of corporate existence. In all their rights and in their legitimate interests they deserve, and I have no doubt will receive, as they heretofore have done the fostering care and protection of wholesome laws. Unjust legislation against them would have the effect to cripple their powers for usefulness, and this, in its effect, would reach and injure us all. The self-interest of the people of the State is, therefore, alone sufficient to prevent such legislation.

But, on the other hand, no undue sensitiveness should deter us from imposing upon them such restrictions and regulations as are demanded by the interests of the people, and of such a character as to furnish to the corporations no just cause of complaint, and such as shall be equally a protection for the corporators.

There is no State in the Union in which the rates of freight are lower than in this, nor in which the roads are managed more directly for the interests of the people. Competition is the chief cause of this condition of things, while the fact that the managers of most of our roads are our own citizens, and interested in the prosperity and welfare of the State, also has much to do with it. The more roads we have the more competition we shall have, and liberal legislation invites the building of roads, and thus competition is kept up. The propositions above enumerated are proposed in this spirit of liberality, and should have a place in the organic law as safeguards for the people, the roads, and the stockholders.

There are many other provisions in the report of the committee that are important and worthy of mention, but I fear that I may have already trespassed

upon your time and patience in what I have said. I do not forget that I have no voice in the building of the constitutional fabric, except through the ballot-box. My pride in our State, my hope that its legislation shall be equal, just, pure, and wise, is my only excuse for the suggestions I have ventured to make.

In considering the question of remodeling the organic law of the State, I presume no one of you, nor any citizen, expects you to adopt an instrument that will suit each individual mind. Sincere beliefs and decided opinions may often have to be given up, that the greatest good to the greatest number may be accomplished. I trust that this is the spirit in which you have come together, and that from it you may create a constitution that will meet the approval of your own judgment and that of the people, whose representatives you are.

JOHN J. BAGLEY.

STYLE IN WRITING.—The best writer is he who can convey the clearest thoughts in the shortest space. Some writers so hide their thoughts in useless words that it becomes a task after you have read a column to comprehend its meaning. Ornament in style is good when it beautifies the thoughts advanced; it is inexcusable when it covers them from sight. A writer, before he touches a pen, should first get a clear idea of the subject he is to handle; this well understood, his next effort should be to say what he has to say in the fewest words possible. We would not have a single thought dwarfed by a stingy use of language; but even this would be better than to see it choked out of existence by a superabundance of words. Write to the point, and when you have reached it, stop. It requires severe mental training to acquire that simplicity of expression which conveys to us the grandest thoughts in the fewest words, yet it is within the province of all to approach if not to equal it. It has been said that it is more difficult to abridge an article than to write one, that it requires more time to write a short article well than to present the same thoughts in double the space. When Queen Anne told Dr. South that his sermon had only one fault—that of being too short—he replied that he should have made it shorter if he had had more time. Let our writers—especially those of the press—boil down their efforts before they present them to the public. In this fast age the man who can say the best things in the shortest space is not far removed from a public benefactor.

## INDIVIDUAL PATRIOTISM.

"Our country's welfare is our first concern,  
And who promotes that best, best proves his duty."

The recent debates in the United States Senate on finance and currency, and the Saturday speeches in the House on the condition of the country, many of them able, exhaustive, and instructive, and the interest with which these debates, circulated by the newspaper press and in pamphlet form, have been read and examined, and their suggestions carefully weighed by the people throughout the States and Territories, is proof at least that the question of national prosperity has lost none of its former interest in the public mind.

But is this interest prompted by the same motives that impelled our patriotic fathers in their zeal and sacrifices for the weal of the commonwealth? Has our country grown so large, or the grasp of the average intellect become so contracted that we can write, speak, legislate, and labor for sectional interests only, and often at the sacrifice of the just claims of other individuals or localities? Are we forced to admit that—

"The age of virtuous politics is past,  
And we are deep in that of cold pretense,"

or that we are controlled by mere mercenary motives that look only to self-aggrandizement and personal interest? Men are naturally selfish, and it is well that they are, as otherwise personal interest would be neglected; but selfishness is one of those principles of action which should be kept in subordination to the law of justice and integrity, without which personal patriotism gives place to covetousness and an inordinate thirst for personal gain, which is always ready to sacrifice, not only the general, but also the individual interests of others in order to accomplish its object.

Now while very much that has been said in Congress on the financial condition and general state of the country has the genuine ring of true patriotism, it must be admitted that some of the recent speeches on those questions ignore every consideration but that of local interest,

while others have been prepared and spoken with apparently no other object in view than that of misrepresenting the party in power and the principles by which they are governed in the administration of the affairs of the nation. Seizing hold upon the fact of the recent crisis in mercantile affairs and financial transactions, the Republican party is charged, directly, as being the cause of these troubles; and consequently a vigorous effort is made by speeches in Congress, newspaper editorials, and electioneering harangues, to make the people believe that the party is no longer worthy of their confidence. This system of attack did not originate, however, in the present session of Congress nor in the Cincinnati convention, though brought more prominently forward at present, in view of the recent disturbance in commercial and monetary affairs. It has in fact been the chosen tactics of the Opposition ever since the Republican party came into power. They were violently assailed for attempting, by a resort to arms, to save the nation intact; they were censured in unmeasured terms for abolishing slavery; and they were abused for providing a tariff to meet the increased demands upon the United States Treasury, caused by the very act of the Opposition in throwing the nation into a state of revolution and civil war. Yet against all this false argument and violent opposition the nation has been saved from disruption, property in human flesh no longer disgraces the national character, the tariff has saved and strengthened the national credit, and the fact stands prominently out in bas relief, that in no former period of our history has so much progress been made in material prosperity as during the last thirteen years. The official statistics show this, and place the fact beyond denial or doubt. In 1860, the last year of Democratic rule, our exports were valued at a fraction

over \$400,000,000; in 1873, they amounted, in gold, to \$607,000,000. In 1860, our imports were \$362,000,000 in value; in 1873, against a high tariff, they amounted to \$663,000,000, gold value, or within a fraction of one hundred per cent. increase in thirteen years, and that too under the very system of tariff which has been used as an argument against the policy of the party in power, and by the aid of which the financial obligations of the Government have all been honorably met and discharged.

Now look at the results during the last thirteen years in our manufacturing interests. Has the vast increase in that department no relation to the judicious policy of the Government in adjusting the tariff so as to aid both the financial and the manufacturing interests of the Government and the country? Is it not due largely to this same tariff that our manufactures have more than doubled in the last thirteen years? In ten years, from 1860 to 1870, according to the census, the capital invested in manufacturing went up from \$1,009,000,000 to \$2,118,000,000! This is one of the results of a single decade in Republican administration! These results are without a parallel in the annals of industrial history. But it may be argued that our inflated currency gives a fictitious value to the manufacturing investments of the later years; this, however, is more than offset by the fact that the statistics of mining, quarrying, and fishing industry were included in the figures of the census of 1860 and omitted in that of 1870.

Again, the census of 1860 shows the national wealth, real and personal, to have been at that time, \$16,159,000,000; in 1870 it had increased to \$30,068,000,000, an increase of nearly one hundred per cent. in a single decade, notwithstanding the ravages of war, and the immense destruction of property during its prosecution.

Another most significant indication of the enormous expansion of the business of the country during the last thirteen years is afforded in the fact that

our net-work of railroads has doubled in miles and in its carrying facilities and actual transportation results during that period.

And to what should we attribute these grand achievements? Are they the result of bad legislation, or do they come from judicious laws faithfully executed? Let the people decide these questions at their leisure and deliberately, and then deposit their future votes where they believe they will do the most good.

"But," say the Opposition, "you have plunged the country into a panic and we are all suffering in consequence." Now let us examine this charge and place the blame just where it belongs. First, by the aid of the tariff about \$200,000,000 have been annually added to the revenues; and that the tariff has not been prohibitory in its tendencies, or too high, as has been claimed by the Opposition, is evident from the fact that our annual imports have doubled in amount since the tariff was imposed in 1861. Without a high tariff the United States Treasury would have collapsed during, or at the close of the war, the Government would have suffered from financial shipwreck, and the recent crisis would have overtaken our commercial and manufacturing industries at least five years earlier than it has done, and that, too, with ten-fold greater severity. It will be remembered that at the close of the war everybody predicted an immediate crash as inevitable. But the handsome revenue returns, and the stimulus given to the manufacturing and agricultural interests through the direct effects of the tariff, established confidence in the Government and in individual enterprise, and all our interests prospered, up to a recent date.

And why the change now in that condition of general prosperity? It will not be forgotten that under the perpetual pleadings of the Democratic press and the constant clamor of Democratic members of Congress, the Republican party yielded two years ago to the demand and caused a material reduction of the tariff by transferring a large number of duti-

able articles to the free list and modifying the scale of duties on other goods. The new law took effect on the 1st of January, 1871. As is usual under legislative changes in the customs regulations, the effect was not immediately felt; but came in the second and more fully in the third years. Such has been our experience in this instance. The payment of \$100,000,000 annually of the public debt was reduced to \$50,000,000 a year, and finally all reductions of the debt ceased. The high prestige achieved for the national credit was checked, Government and private corporation bonds were no longer eagerly sought in Europe for permanent investment; great railroad enterprises failed to realize upon their securities which had hitherto been readily taken as safe investments; their bankers were forced into bankruptcy; the people became alarmed; deposits were suddenly withdrawn from the banks and from circulation; confidence was lost, and a general disarrangement of all our industries followed.

Need we look further for the original cause of our present financial difficulties than the last ill-advised and unfortunate reduction of the tariff, conceded to satisfy the unwise demands of the Opposition? The reductions of the tariff made in previous years were reasonable, and those made in the revenue taxes were just and proper, but the last reduction of the customs duties was a serious mistake in legislation, the bitter fruits of which are now most seriously felt.

Let it be distinctly understood that a tariff on imported goods is not always, and in our own country very rarely, a tax upon the consumers of those goods. Against nearly every species of goods imported, excepting teas, coffee, tropical fruits and spices, we place upon our own markets larger quantities than the foreign producer. This being the fact, the American article controls the market and establishes the prices; and to compete in these markets the foreign producer must sell his goods at the established prices, after paying all costs of transportation, duties, and commissions.

At least one-half, or \$100,000,000 of our annual revenue from imports are paid by the foreign producer as a contribution to the United States Treasury for the privilege of selling his goods in our markets; and yet this tribute is entirely equitable, and this market is a valuable one for the sale of the foreign product, or it would not find its way hither at a ratio of increase which has doubled the annual importation in the last thirteen years.

The main question now is, revenue sufficient to meet the annual expenses of the Government, and secure a regular reduction of the public debt at the average rate of about \$100,000,000 a year. That amount may appear large, but the debt itself is large, and the obligation is imperative. The country was never more prosperous than during the years that the decrease of the debt averaged that amount; and if Congress will now, in the true spirit of honest patriotism, rise above sectional interests and political jealousies, and take up, revise, and consolidate the customs revenue laws, and so adjust the tariff, guided by the experience of recent years, in the importations, as to secure, with the aid of a rigid economy now about to be adopted in the expenditures, a surplus of \$100,000,000, to be applied to the reduction of the national debt, there is little doubt that the prosperity of former years, and more, will be our experience before we reach the centennial year, the celebration of which we are now, it is claimed, too poor to aid by a contribution from the public chest.

A word in reference to a resumption of specie payments: Is it not premature to subject this question to direct legislation? Is it advisable or even safe to adopt any radical measures to secure this end, however desirable it may be in itself? Would not a sudden resumption, by forced measures, be disastrous to the stability of trade and the best interests of the country?

It can not have escaped the observation of intelligent citizens that while the public debt was undergoing a reduction

of about \$100,000,000 a year, the premium on gold was steadily falling, and that since the decrease of the debt has ceased the premium on gold has been stationary, excepting the fluctuations caused by Wall street speculations. Now if we return again to our former status, in relation to the reduction of the debt, is it not reasonable to expect a similar experience in reference to the premium on gold, until that premium is reduced to two or three per cent., when resumption may safely be effected by direct legislation? Give us a strong national credit, by steadily reducing our debt; give us prosperity in our manufacturing and agricultural industries, by a judicious readjustment of the tariff, and the resumption question may safely be left to take care of itself. It requires no other legislation at present.

We require to cultivate a higher and a purer patriotism, not a patriotism that will convert us into soldiers in defense of our country, for of that there is probably no deficiency—but a patriotism that will lift us above a blind selfishness and an inordinate love of wealth, power, and mere personal aggrandisement, and enable us to grasp, and cherish, and practice the great maxim that “the general weal is the greatest achievement of which humanity is capable.”

“What constitutes a State?  
Not high-raised battlement or labor'd mound,  
Thick wall or moated gate;  
Not cities proud with spires and turrets crown'd;  
Not bays and broad-arm'd ports,  
Where laughing at the storm, rich navies ride;  
Not sterr'd and spangled courts,  
Where low-brow'd baseness wafts perfume to pride.  
No: Men, high-minded Men,  
With powers as far above dull brutes endued,  
In fort, in brake, or den,  
As bea-tsexvell e-ild rocks and brambles rude:  
Men, who their duties know,  
But know their rights, and knowing, dare maintain,  
Prevent the long-aim'd blow,  
And crush the tyrant, while they rend the chain:—  
These constitute a State.”

It may be that some who read these remarks will doubt the lack of patriotic spirit here indicated, and may even oppose the proposition to reduce the national debt at the rate of \$100,000,000 per annum, which may be done by an inconsiderable increase of the tariff and by a

strict economy in the administration of public affairs. If such is the fact are they prepared to point out a better way to meet our national obligations? Can those obligations be liquidated in any other way than by payment in “hard pan?” They may, it is true, be shifted by exchanging one class of bonds for another, by calling in the old bonds and issuing new ones, but the debt is not decreased by the transaction. The bonds now out are rapidly maturing, as is indicated by the following statement from the records of the United States Treasury:

Eight years, absolutely payable.....	\$192,018,350
Eight years, payable at pleasure.....	769,543,050
Ten years, absolutely payable.....	58,992,800
Eleven years, absolutely payable.....	355,267,450
Thirteen years, absolutely payable.....	310,654,400
Fourteen years, absolutely payable.....	37,474,000
Total.....	1,723,950,050

Of which \$954,407,000 are absolutely payable within fourteen years, and \$769,543,050 payable at pleasure in eight years, and all of which is bearing six per cent. interest excepting \$505,212,700 of the amount payable at pleasure after eight years, which bears five per cent. interest. Will those obligations be canceled as they fall due? And if so, in what way if not by an increase of taxation and a rigid economy in the public expenditures? By paying \$100,000,000 annually an additional yearly reduction of \$5,000,000 in interest is also secured. If no part of the principal should be paid the interest alone paid in eighteen years, or less, will amount to the principal of the entire debt, which still remains untouched. But by an annual reduction of the principal at the rate of \$100,000,000 the entire debt and interest will be extinguished in about eighteen years. Shall we pay the interest alone during that time and retain the burden of the principal intact, or shall we adopt a patriotic policy and liquidate princi-

pal and interest within the same period? At all events nearly a thousand millions—not far short of half the entire debt—fall due within fourteen years, and must be met; and how this can be accomplished without an increase of our customs revenues, by a moderate increase of tariff duties, is a problem which we shall leave to the advocates of free trade or a low tariff to solve.

This question can not, with safety to the great interests of the country, be neglected during the present session of Congress. "Taxation is better than dishonor," and infinitely preferable to entailing a great national debt upon our children in future generations. During the war we carried successfully an internal revenue tax ranging from two hundred to three hundred and thirteen million dollars a year. That tax is now confined mainly to spirits, beer, and tobacco, in their various forms, and amounts to less than one-third of its former proportions. Surely, then, a moderate increase of the duties can be carried without being felt as a burden, especially as one-half of it at least is borne by the foreign producer who avails himself of the benefits of our markets.

In conclusion, as a further motive to a higher and purer individual patriotism, permit the writer to quote the inspiring words of the Hon. Horatio C. Burchard, of Illinois, expressed in a speech in the House on finance and taxation, March 7, 1874:

"Commercial integrity is the pride of the merchant. Strong men, whose good names have been assailed and honor impeached, have drooped and sickened and died, broken hearted. Reverence and love for one's native city or State is praiseworthy; but respect and zeal for national reputation and honor are noble and patriotic. Let us ever glory in and cherish and sustain the just pride Americans take in their country's past history and character. Men willingly lay down their lives fighting for the honor of their country. It should be the patriotic feeling of every soul that the honor and credit of the Government must be sustained. \* \* \* \* \*

"It is proposed that the people shall assemble at the birth-place of the Republic to celebrate the centennial anniversary of the Declaration of Independence. What will be their proudest boast? Will it be their country's vast extent of territory; its rapid increase in population; its magnificent developments in material resources; its increased facilities for intercourse between distant cities, and the commercial interchange of products; its wide diffusion of knowledge, and its splendid systems for free education?

"These indeed will be matters of pride and gratulation. They are, however, but indices, and not essential elements of national character and real greatness. Some of the smallest States have been the most illustrious recorded on the pages of history. A nation possessing all these, but lacking national morality, integrity, and honesty will not be grand and truly great. On that occasion it will be a prouder boast, and the highest national honor, that the United States, under all circumstances and in spite of every temptation, has been true to its honor and plighted word; that it has been scrupulous to maintain its solemn engagements, not only with other nations, but with private individuals."

#### SENATOR SUMNER'S ANCESTRY.—

The Society of the Cincinnati of the Commonwealth of Massachusetts, of which Charles Sumner was a member, furnishes the following information relative to his ancestry: Charles Sumner was the eldest son of Charles Pinckney Sumner, and was born in Boston on January 6, 1811. His father, Charles P. Sumner, was born in Milton, Mass., January 20, 1776, graduated at Harvard in 1796, was high sheriff of Suffolk county from 1825 to 1839, and died at Boston April 24, 1839. The grandfather of the late Senator was Job Sumner, who was born in Milton, Mass., April 23, 1754, and graduated at Harvard in 1778. In 1775 he joined the army, and was a lieutenant in Bond's regiment at the siege of Boston. He was commissioned captain in Groaton's 3d regiment January 1, 1777, and major in 1783. After the close of the war he was appointed commissioner to settle accounts of the United States with Georgia.

## FIRE INSURANCE OF REALTY BY THE STATE.

The State Legislatures of our Western States, where the premiums on fire insurance amount to three and five per cent., can save to their citizens several millions of dollars annually by the adoption of a State system of fire insurance. While we have made very great progress in self-government, and in the adoption of provisions for the security of personal liberty, we have fallen far behind several European nations in the adoption of administrative measures, like postal savings banks and telegraphs and State fire insurance.

In the various States of Germany, for instance, every citizen can insure his dwelling against fire to the amount of its assessed value for purposes of taxation. The insurance runs for five years, when it can be lessened or enlarged at the option of the owner or the mortgage beneficiary. All insured real estate is divided into three classes, according to minutely described conditions of exposure to fire. In class "A" are placed detached houses built of brick or stone and all first-class buildings in blocks that are nearly fire proof. In class "B" are placed the vast majority of dwellings, business blocks, barns, stables, &c., that are not subject to extra hazardous risks. In class "C" are placed all establishments which, from the nature of the business transacted therein, or on account of proximity to extra hazardous enterprises, or of the material of which they are constructed, are liable to extra dangers.

When a loss occurs proof is made before a magistrate, under certain prescribed regulations, and the proof is forwarded to the central authorities, who, if they find that the loss did not occur through any violation of the restrictions in the policy, pay the amount to the loser as soon as practicable. The aggregate loss which occurred during the fiscal year, together with the cost of the insurance bureau, is added up, which constitutes the annual premium, and is added to the tax and collected with the other

taxes. The losses of each class are added up separately, so that the insurer only pays his share of the loss on his class. This is a most excellent feature of the system, because it distributes the loss where it really belongs.

The average annual premium on class A is about two mills on the dollar, or twenty cents on each hundred dollars insurance. On the second class the premium amounts to fifty cents per hundred, and on the third class to one dollar per hundred, or one per cent. In Germany nine-tenths of all buildings are constructed of stone or brick, with roofs of brick tiles, so that fires are very unfrequent and the spread of conflagrations is very rare. In the United States, therefore, it is very probable that the annual premium on class A in the several Western States would reach one-half of one per cent.; of class B, one percent., and of class C, two per cent.; but whatever the premium may be, under an honest State administration it could only be the actual annual expenditure for losses and the cost of the insurance bureau.

The advantages of a State system of insurance are manifold, and among them are:

First, Absolute certainty of payment, because however extensive the conflagration may be, the State would always possess abundant credit to pay all losses promptly. Secondly, the premiums paid would always be expended in the State and paid directly back to its citizens. Thirdly, the local tax assessors can do all the work, the amount of insurance being limited to the assessed value, which is never too high, and the classification can be brought under automatic rules. The premium would also be collected with the State tax, so that the policy would never lapse and no additional machinery would be needed. Business men can at once perceive the economical features of the system. Under the present system the insured party has not only to pay all the losses

that may be incurred by the company with which he has insured, and over the character of its risks he has no control, but also the enormous and often extravagant expenditures of the machinery of competing corporations. The percentages paid to local insurance agents and the vast amounts of printing and advertising expenses would at once be saved.

The system of State fire insurance is not a mere theory, but has been proved perfectly feasible by many years of practical operation. The system in fact has proved so beneficial that it is considered indispensable both by the government and by the people.

Insurance of personal property should remain with private corporations, because the State can not give it sufficient care and attention to protect itself against fraudulent practices. But in the case of realty, frauds can not be more easily perpetrated upon the government than upon private parties. The attention of the State authorities would also be better directed towards the establishment of legal rules looking to the prevention of fires and the better organization of fire departments.

We know of no measure more certain to emancipate the citizens of the Western States, where insurance is so extraordinarily high, from the extortions of foreign insurance companies and save to them annually many millions of dollars. It is in directions like these, in substantial economic reforms, that our statesmanship should be displayed, for in this field immediate and substantial relief can be given. Nor need we be fearful that State fire insurance can not be properly carried on, for the same skill which is sufficient to direct the complicated machinery of private companies will also be ample to inaugurate a system of State fire insurance which will do exact justice to all and injury to none.

**POSTAL DECISION.**—On the repeal of the franking privilege the Postmaster General decided that the several Executive Departments might send printed matter in sealed packages at the rate of one cent for two ounces, but that every

such package should bear the following certificate, which should be signed by the head of the Department or some officer designated by him :

*"I certify that this package contains no written matter."*

This privilege has now, by a recent decision, been extended to the Senators and Representatives in Congress, and to any officer of either house officially designated by such house for the purpose. This decision places the Legislative and Executive Departments on an equal footing as to the transmission of printed matter through the mails, and will save much annoyance from attempts to collect letter postage on packages bearing the above quoted or similar indorsements by Members and Senators.

**DEMOCRATIC TEST.**—A member of the Kentucky Legislature, of good Confederate record, was recently charged with having deserted his party. Smarting under the charge, he sprang to his feet, and said : "Mr. Speaker, this is the first time that my fidelity to the Democratic party has been questioned. Sir, let me answer this base charge by saying, that four years of my life were spent on the field of blood and carnage to prove my Democracy." The effect was magical, the charge was withdrawn, the proof submitted was sufficient to establish the gentleman's fidelity to his party. Kentucky may be a good place for this specimen Democrat to live in, but just now his peculiar fidelity would be relished by the Democracy in Texas.

**EDUCATION.**—No more truthful sentence was ever penned by man than the following written by Chancellor Kent : "The parent who sends his son into the world uneducated defrauds the community of a lawful citizen and bequeaths to it a nuisance." These words should be written in letters of gold over the entrance of every school in the land.

**FRENCH INDUSTRY.**—The number of industrial establishments in France is 150,000, giving employment to 2,000,000 hands, and employing steam power equal to 650,000 horses. The business done amounts to \$2,400,000,000.

## REVOLUTION AND REBEL RESTORATION IN TEXAS.

The political drama in Texas, having barely escaped being turned into a tragedy, has developed some startling features in a remarkably short space of time.

On the 13th of March, 1873, the Democratic Legislature of that State passed an election law changing in many material particulars the mode and manner of holding elections and making returns thereof.

On the 2d day of December, 1873, a general election was held under this act of the 13th of March, the Republican and Democratic parties running straight tickets, Governor Davis, the Executive incumbent, being the candidate of the Republican party for re-election. At this election the Republicans were defeated; but it was thought they had gained largely.

Before the result of the election was officially announced a case was brought before the Supreme Court of the State involving a test of the constitutionality of the election law. This case arose out of the illegal voting of a Democratic voter. It was brought from the city of Houston, and was instigated by candidates for local offices in Harris county. Neither the Governor nor any State officer had any part in its origin or management; it was only one of many from different quarters of the State ready to be sprung to test the law.

After a long and patient hearing, both sides being ably represented, the court held the law unconstitutional for the reason that it changed the time of voting from four days to one. It was during this trial that the large majority for the Democratic ticket was claimed. No official vote has been published, and it is strongly suspicioned that through the Democratic returning officers in the several districts the Republican vote was greatly cut down. This was very easy under the operation of the election law, and beyond the reach of remedy or investigation. At any rate the total

vote reported is several thousand less than at the last Presidential election, and said to be eighty thousand under the registered vote of the State. This large majority was made the reason for disregarding the decision of the Supreme Court and for what has followed.

On the 13th of January, 1874, the newly-elected Legislature met, as did also a fragment of the old Legislature, composed of members who had protested against the act legislating them out of office before the expiration of their terms. On the 14th a joint committee waited upon Governor Davis and reported that the Fourteenth Legislature was organized and ready for any message he thought fit to communicate. The Governor replied that he considered it his duty to regard the recent decision of the Supreme Court as binding upon his action, and that he could not recognize the body thus represented as a legal Legislature; that he considered the election as conclusive against himself, and should not hold his office longer than his constitutional term; but until then he considered it his duty to obey the interpretation given by the Supreme Court of the law. Consultations and conferences were held between the Governor and the Legislature, but no further understanding was arrived at. In the mean while the President was telegraphed of the impending crisis.

On the 15th of January the Legislature proceeded to inaugurate the new Governor and Lieutenant Governor regardless of the fact that the constitutional terms of the old officers had not expired, and proceeded to summon an armed force to carry out their programme.

On the 16th of January Governor Davis, being made aware of the hostile preparations to forcibly oust him, summoned a force and placed them over the public offices. For twenty-four hours great excitement prevailed, and there was momentary danger of a serious

affray. On the 17th the Coke party made the proposition to disband all armed force, not to molest any officers, or attempt to oust them by force, the Governor agreeing also to disband his forces. This had hardly taken place when Attorney General Williams' dispatch was received, which put another face on matters.

On the 19th Coke, at the head of a number of men in the capacity of special sergeants-at-arms, broke into the Executive Department with an ax, drove the Secretary of State from his room with a pistol at his head, and began a general turning out of the old officers. The old Supreme Court was ignored, and a new court appointed, composed of the old Confederate Supreme Court of the State and two other Confederate officials. O. M. Roberts, Judge Moore, and Judge Reeves composed the old Confederate Supreme Court. Roberts was also president of the secession convention. Judge Devine and Judge Ballanger were Confederate officers; Devine was Confede-

rate States district judge, Ballanger Confederate States receiver. Then began a turning out of district judges, by address, by the Legislature, and in every mode the determination seems to be to restore the Confederacy. A jury law making a reading and writing qualification, a labor law, and similar legislation, intended to deprive the colored people of their civil rights and practically enslave them, are under consideration, and a new constitution in contemplation.

The restoration of the old Democratic party to power in Texas has been marked by usurpation, disregard for the constitution, and high-handed measures, all directed toward the restoration of the old Confederate State government and a complete overthrow of reconstruction and the results established by the war. A spirit of revenge and oppression seems to prevail, and the failure of the General Government to interfere has been interpreted into a letting-down of the Republican party of the nation.

## THE FINANCES.

We are not about to offer a panacea for the apparent uneasiness in the financial world, in fact, the views we entertain have already been sufficiently set forth in the columns of THE REPUBLIC, and, therefore, need not be repeated.

Since the occurrence of the panic, last September, we have met but few men who had not some definite plan for the restoration of confidence, the revival of business, and the general improvement of our financial system; but, unfortunately for the country and the currency, these plans have been about as diverse as has been the number of persons who have enunciated them, and consequently not one of them has received either popular or legislative sanction; and, to our mind, the existing uneasiness in regard to financial matters is due more to the continued agitation and the want of unity of ideas as to the proper remedy than to any inherent defect in the pres-

ent system or any deficiency in either the quantity or quality of our circulating medium.

If there were actual well ascertained deficiency in either the amount or character of the currency, that fact ere this would have become so manifest as necessarily to convince the judgment of the country and thereby command the attention and the prompt compliance of the legislature therewith.

We apprehend that the real difficulty to be grappled with is overtrading by individuals and corporations, that in the aggregate the people and the country have bought more than they can promptly pay for, and that a period of individual and public economy must intervene between the present state of affairs and a complete restoration of public confidence and general prosperity. Let each look around and see whether this is not so. We do not believe that the

country is now in a condition to resume coin payment, or even to fix an early day when it can resume without unnecessarily embarrassing the general business, checking both public and private enterprise, and thus, in the end, postponing to a later period than is desirable or necessary the realization of so desirable a purpose. Nor are we prepared to say that, considering the great growth of the country and the sound policy of keeping all our industries active, there should be no increase of currency; but it must be apparent to all, that an increase amounting to inflation, or what is the same thing, depreciating its value as compared with gold or other products of labor, would tend to further speculative enterprises—the very evil we are now suffering from—and that, therefore, whatever of increase shall be allowed should be proportioned to the demands of the increased population and the legitimate business of the country.

The present difficulty seems to be to settle upon some plan that will regulate issues by this standard. Careful reflection will convince any candid thinker that the problem is not any easy one to solve. It is mainly to this point that the recent debates in Congress have been directed, and while they have as yet reached no definite result, they have caused a large amount of inquiry, and have not only evolved a great deal of light on the subject, but are actually tending toward a definite solution of the vexed question. What that solution will be it is of course impossible to predict, but judging from the indications thus far developed, it will be a substantial legalization of the issue of the forty-four million reserve and the passage of a free banking law under the same restrictions as to security for circulation as now exist, with ample and safe provisions as to redemption. Or, in other words, it is probable that the Treasury note issue will be fixed at \$400,000,000, and that the people will be empowered to establish national banks where they can procure the capital and where in their judgment the business of the locality or of the country will justify.

Doubtless there are over-cautious people who fear that free banking will lead to unhealthy inflation, but we are at a loss to see the danger, considering that, under the national system, banks can be started only on actual capital and that capital is not only timid and cautious, but that it is mostly in the hands of conservative men. It is not at all probable that those having money to lend will risk it in bank machinery beyond the business wants of the country, especially in the light of recent experience, demonstrating the insecurity of bank capital when employed in unproductive enterprises.

If the so-called conservative quality of capital can be relied upon to this extent, then free banking will give just the measure of circulation demanded by the legitimate business of the people, which is the exact amount sought by prudent minds, but which it is impossible to measure by statutory provision.

**BUSINESS FAILURES.**—The total number of failures in the city of New York from 1870 to 1873, inclusive, was 1,733, representing liabilities amounting in the aggregate to \$154,632,000. The total of failures in the United States during the same period numbered 15,718, with liabilities amounting to \$523,049,000. The following statements show the number of failures and the amount of liabilities during each year in the city of New York and in the United States.

NEW YORK CITY.		
	No.	Amount.
1870.....	430	\$20,573,000
1871.....	324	20,740,000
1872.....	385	20,684,000
1873.....	644	92,635,000
Total.....	1,733	154,632,000
UNITED STATES.		
1870.....	3,551	88,242,000
1871.....	2,915	85,232,000
1872.....	4,069	121,056,000
1873.....	5,183	228,499,000
Total.....	15,718	523,049,000

## HAS THE GOVERNMENT NEGLECTED THE INTERESTS OF THE FARMERS.

One of the first objects of a good government is a careful regard for the general interests of the people. Under a despotism the interests of the supreme ruler are of the first and usually the only importance, and his power is exercised outside of any control by men, constitution, or laws. A limited monarchy controls the head of the government by a constitution or fundamental laws; yet the interests of the masses are held in subordination, and the rights of the ruled are gained only by piecemeal after constant struggling and occasional revolution on the part of the people. Enlightened republicanism recognizes, first or all, and to the fullest extent, the duty of providing laws under the administration of which impartial justice will be extended to all classes of the people in their collective and individual interests. Such are the fundamental principles of the Constitution of the United States and of the laws framed and administered under its provisions.

In the present paper it is proposed to examine only one class of interests—those of the farmer—and from a centennial standpoint take a retrospective view of what has been accomplished from a period cotemporaneous with the foundation of the Government up to the present time. And as the remark is not unfrequently made by persons who have given the subject little or no thought or investigation, that the Government has neglected and even sacrificed the interests of the farmer, we shall note, as we proceed, the bearing of Federal legislation upon the agricultural progress of the country. The gradual development of this most important industry will be examined with the sole view of arriving at the facts, and presenting them in the simplest and briefest possible form for the consideration of those most deeply interested in the result.

### ORIGIN AND INCREASE OF DOMESTIC ANIMALS.

Going back beyond the Revolution to the early days of colonial experience, we

find that previous to 1607 there was not a cow, or horse, or a hog, or sheep on the northern portion of the continent. In 1610 several cows were landed in Virginia for the James River Colony, to which an addition of a hundred more was made during the following year. But many years elapsed before the luxury of a steak or a roast of beef could be enjoyed; for an order was issued, according to an old authority, "forbidding the destruction of domestic animals on pain of death to the principal, branding the hand and cropping the ears of an accessory, and a sound whipping for the concealer of the facts."

The first cattle were brought to New England in 1624, and consisted of three heifers and a bull. These were soon followed by an importation of one hundred and three cattle and horses to New York from Holland, and by other importations by the several colonies. The stock at that period and down to the Revolution was very meager in weight and quality, compared with the improved breeds of the present day. Then the neat cattle did not exceed 370 pounds average gross weight, while the sheep averaged twenty-eight pounds. Now the average weight of the former is over eight hundred pounds and of the latter over eighty pounds. This improvement is due mainly to Federal and State aid in improving the stock, followed up by untiring individual enterprise.

During the period of the Revolution all the available male population was called into the war; the farming interests were almost wholly neglected, and it required years to recover. Gradually efforts were made to revive the interest in agriculture, and year after year agricultural societies increased and a growing interest was felt in the advancement of that important industry. Aid was extended by Congressional enactment, and the number and quality of agricultural live stock showed decided improvement. The first agricultural exhibition ever held in the country took place in

Georgetown, D. C., in 1810, with the offer of premiums for sheep raising.

From these small beginnings what is now the result in reference to the increase of live stock? The following are the official returns under the census of 1870:

Number of horses.....	7,145,370
Number of mules and asses....	1,125,415
Number of cows .....	8,935,332
Number of oxen .....	1,319,271
Number of other cattle.....	13,566,005
Number of sheep .....	28,477,951
Number of swine .....	25,134,569

The value of which was returned at \$1,525,276,457.

By reference to the census we find that in 1870 the value of animals slaughtered or sold for slaughter amounted to a fraction under \$400,000,000, an increase of nearly \$200,000,000 in ten years. The quantity of wool produced was 100,102,387 pounds.

But the increase in numbers has not exceeded the improvement in quality of our horses for the farm or for speed, of cattle for beef and the dairy, or of sheep for mutton and the superiority of their wool. Congress and Congressmen have ever made this a fostering interest, and statesmen have themselves made the calling honorable, by adopting it in many instances as a specialty. Daniel Webster, the farmer boy and illustrious statesman, did much to improve the breed of farm stock by the importation and improvement of the best breeds known in Europe. Congress has always protected the farmer in the improvement and increase of his stock by admitting cattle for breeding purposes free of duty, and by placing a duty on foreign stock coming to this country for competition. And to-day the farmer is protected in this industry by a duty of twenty per cent. on imported animals alive, one cent a pound on beef, two cents a pound on hams, twenty to thirty-one per cent. on leather, thirty-five per cent. on prepared meats, twenty per cent. on condensed milk, one cent per pound on tallow, from fifteen to fifty per cent. on wool and woollen manufactures. More than this can not reasonably be

expected. Under this fostering legislation an encouragement is held out to every industrious farmer which can not fail of leading to success wherever intelligence is brought to bear and the proper means are applied, with reasonable economy in the disbursements of the farm and expenses of the farmer's family.

#### RESULTS IN THE PRODUCTION OF GRASS AND HAY.

The early colonists had no knowledge of raising either grass or hay by artificial means for their animals, and the cattle had to browse on the leaves and branches of trees and graze on the wild grasses in the meadows and salt marshes for a subsistence. Starvation and death were often the result. An old Virginia Historical Register says: "All the inhabitants give their cattle in winter is only the husks of their Indian corn, unless it be some of them that have a little wheat straw, neither do they give them any more of these than will serve to keep them alive." Another cotemporary writer says: "They neither housed nor milked their cows in winter, having a notion that it would kill them." Sheep and hogs were equally neglected, and very little improvement in this respect was introduced until after the Revolution. Gradually from that period the cultivation of grasses and preparation of hay increased, and with these the stock improved. Agricultural societies at a later day stimulated this branch of industry; large barns became objects of pride, especially in the Eastern States, and stall-fed cattle were seen for the first time, affording a corresponding improvement in the quality of the beef. The return of the hay product for 1870 was 27,316,048 tons.

#### HISTORY OF THE INCREASE OF CEREAL AND VEGETABLE PRODUCTS.

The early settlers found the Indians cultivating Indian corn to a limited extent, and a few vegetables, and they themselves relied for years chiefly on corn, pumpkins, squashes, and sweet potatoes, the cultivation of which, with tobacco in Virginia, was all new to them. The Indian planted his corn with a shell,

putting a fish as a fertilizer under each hill. The settlers substituted a primitive hoe for the shell, but adopted the fish as a fertilizer. An early writer among the Pilgrims says: "According to the manner of the Indians, we manured our ground with herrings, or rather shads, which we have in great abundance and take with great ease at our doors." And again: "You may see in one township a hundred acres together set with these fish, every acre taking a thousand of them; and one acre thus dressed will produce and yield so much corn as three acres without fish." There was no plow, and no subsoil farming in those days, and the surface scratching was frequently affected by drought to the extent of the loss of the entire crop.

Wheat was first sown in 1602, but in very small quantity. This was by Goswold, on one of the Elizabeth Islands, in Buzzard's Bay, Massachusetts, as we are informed by Charles L. Flint, in the report of the Department of Agriculture for 1872, a very good authority. The first wheat was sown in Virginia in 1611, and the quantity continued to increase till 1640, when it fell into disrepute and was largely superseded by the culture of tobacco, which was much more profitable. In New England it secured more attention, but its merits were held in subordination to Indian corn, and the increase of the quantity raised was, up to the commencement of the present century, very inconsiderable. Captain Goswold also succeeded in introducing the cultivation of rye, barley, and oats early in the seventeenth century. The rye flour was used mainly for bread, mixed with corn meal. The culture of the potato was introduced about 1629, and soon became popular. About the middle of the eighteenth century both that and the sweet potato were exported in small quantities to England. But it was not until agriculture revived, after the Revolution, that much progress was made in the cultivation of cereals. Since then, however, there has been no halting in the

steady increase of the annual product, outstripping the increased demand for home consumption, and affording a large surplus for export.

Here again the aid of the Government to agriculture is forcibly presented in the unceasing efforts of the Agricultural Department, not only to keep up the standard of seed, but in ranging over the agricultural world for improved varieties, by which not only the product per acre, but the quality of our wheat, oats, and other cereals have been improved to the value of millions of dollars per annum. These facts are well known to our most intelligent farmers, who yearly avail themselves of the aid of the Department thus rendered. Illustrations to establish this fact need not be given here.

Again the Government comes to the aid of the farmer in the encouragement of this department of his industry by placing a duty of twenty cents per bushel on foreign wheat imported into the country, and fifteen per cent. *ad valorem* on wheat flour; ten cents per bushel on Indian corn, and ten per cent. *ad valorem* on corn meal; ten cents per bushel on barley, and one cent per pound on pearl or hulled barley; fifteen cents per bushel on rye, and ten per cent. *ad valorem* on rye flour; fifteen cents per bushel on potatoes, and ten per cent. *ad valorem* on other vegetables. Do farmers have cause to complain or murmur against the Government, or against the laws passed in Congress since the Republican party came into power? Laws which lifted the Agricultural branch of the Government up from an insignificant appendage of the Patent Office and made it an independent and efficient Department? Laws which protect with a judicious tariff everything the farmer raises or can produce?

But one thing more is wanted, and that is the passage of an act to enable each farmer in the whole country, who desires it, an opportunity to avail himself of the annual Report of the Agricultural Department, a work that has become indispensable to every thrifty

tiller of the soil, abounding as it does in practical information pertaining to his calling that can be obtained nowhere else.

#### OUR PROGRESS IN FRUIT RAISING.

Little, in fact almost no attention was paid to fruit raising previous to the Revolution. The first apples were raised on Governor's Island, in the harbor of Boston, in 1639, from which it is recorded in history, "ten fair pippins were brought, there being not one apple or pear tree planted in any part of the country but upon that island." The orchard products, according to the last census, have now risen to the annual value of \$48,000,000. And here again the Agricultural Department comes in with its co-operation in behalf of the farmer in its introduction of new varieties and in pointing out the best soils for different species and varieties of fruit, and discovering the best means of protecting fruit and fruit trees against the ravages of worms, insects, and other enemies, as well as indicating the most effectual mode of destroying the enemy after the attack has been made. Here too a judicious law of Congress gives the fruit-grower a protection of a duty of ten per cent. on foreign fruits, green or dried, and twenty-five and thirty-five per cent. on preserved imported fruits, and a high duty on grape wines of foreign manufacture, as a protection to grape-growers and manufacturers of native wines.

#### OUR DAIRY PRODUCTS.

With inferior stock, no grass, no hay, and no winter shelter, the dairy product was inconsiderable for many years after cows were brought over from England and Holland; and not until after the Revolution was the dairy sufficient to meet the necessities of the inhabitants except to a very limited extent. With the spirit of improvement in the breeds of milch cows came also an increase in the products of the dairy. Now the Ayreshires, and the Jerseys, and all other superior breeds have become numerous and the dairy product has grown to vast proportions. The report of the Agricultural Department for 1872 says:

"It is quite within bounds to say that the butter product of the country is fully 600,000,000 pounds, and that the cheese exceeds 200,000,000 pounds a year;" and adds: "The dairy business of this country has developed with such rapidity and to such a degree of importance, with the aid of the highest intelligence and the application of the most consummate skill, as to be regarded as one of the highest triumphs of modern agriculture. Its annual product amounts to over \$400,000,000, and the capital invested in it does not fall short of \$700,000,000.

Here too the fostering care of the Government is shown in the protection of the farmer by the imposition of a duty of four cents per pound on butter and cheese, which compels the Canadian farmer to make a deposit to that amount in the sub-treasury of the United States for each and every pound of butter or cheese he sells in our markets, while the American farmer carries the entire proceeds of his sales to his own pocket for his own exclusive use.

#### THE HISTORY OF OUR IMPROVEMENTS IN AGRICULTURAL IMPLEMENTS AND TOOLS.

It is exceedingly interesting to trace the progress of our improvements in this department from the old wooden to the polished steel shovel; from the wood plow, without a particle of iron or steel, to the finely finished cast-iron plow with steel coulter and mold-board, and to the steam plow now coming into use with the certainty of a general introduction on all our great prairies and broad farms at no distant day. It would be interesting, and instructive also, to see one of the old wooden farm carts, claiming not an ounce of metal in any part of its construction, alongside of the finely finished and neatly painted farm carts of the present day; or the old sickle and threshing flail in contrast with the McCormick reaper and the threshing mill; but space will not admit of a detailed statement in this connection of the great improvements made in every kind of agricultural implements and tools, and more especially the rapid strides

made within the memory of the present generation. Allow us to say, however, that after improvements began to be made, the farmers introduced the newer and better implements with great misgivings. Many a farmer clung to his old wooden plow, asserting that "cast iron poisoned the ground and spoiled the crops."

The Patent Office, by protecting inventors in the title to the results of their genius for a given number of years has done much to foster and develop the progress in improved agricultural machinery; and it is now admitted that in the variety and practical superiority of their agricultural implements the farmers in the United States are ahead of all competition, excepting perhaps in the steam plow, in which, or rather in the use of which, England may yet be ahead of us. "But," says the report of the Agricultural Department for 1872, "we have made some progress in the application of steam to the operation of plowing, and the wonderful performances of the steam plow, in the few instances where it has been tried, have indicated the possibilities of the future, and shown that the time is not far distant when we shall have it in our power to develop the resources of the great West to an extent and with an economy never dreamed of." Contrast these results with the plows used by the French settlers and others in Illinois, down to the time of the war of 1812, which were "made of wood, with a small point of iron fastened upon the wood by strips of rawhide. The beam rested upon an axle and small wooden wheels. They were drawn by oxen yoked by the horns, the yokes being straight and fastened by raw leather straps, a pole extending back from the yoke to the axle." Now we have factories turning out from two to three hundred plows per day, and some of the larger factories make "from ten to twelve hundred different patterns, adapted to every variety of soil and circumstance."

"As an evidence," says Mr. Flint in the Agricultural Department report al-

ready quoted, "that the mechanical genius of the country is not yet exhausted, but is as untiring as ever, it may be stated that the patents issued for improvements in agricultural implements and machinery for the year 1872 exceeded one thousand, of which 36 were for rakes, 160 for hay and grain harvesters and attachments, 177 for seed-planters and drills, 30 for hay and straw-cutters, 90 for cultivators, 73 for bee-hives, 90 for churns, 160 for plows and attachments, and that the annual manufacture of agricultural implements amounts to over \$52,000,000.

As indicating the superiority of American agricultural machinery, it will be remembered that as far back as 1855, at the International Exposition in Paris, American reapers were put in competition with those of the world, on a field of oats, each machine having about an acre to cut. Three machines entered—one English, one from Algiers, and one American, each to cut and rake at the same time. The Algerian machine did its work in seventy-two minutes, the English in sixty-six minutes, and the American in twenty-two minutes.

Three other machines then entered, one each of American, English, and French make. The American machine did its work in twenty-two minutes, while the other two failed. The contest was then narrowed down to three machines, all American. Two machines were afterward converted from reapers into mowers, one in twenty minutes, and the other in one minute. Both did their work to the entire satisfaction of the judges, who cried out "Good, good!" "Well done!" A French agricultural journal in its report of these trials said: "All the laurels, we are free to confess, have been gloriously won by Americans, and this achievement can not be looked upon with indifference, as it plainly foreshadows the ultimate destiny of the New World."

The grand result of this perfection in our agricultural machinery, secured under the fostering care of the Government for the agricultural interests, and aided by intelligent industry on the part

of our farmers, is an annual product affording an abundance to feed a population of 40,000,000 of people, with a surplus equal to the foreign demand. England alone takes from us annually agricultural products amounting in value to nearly \$100,000,000, though the demand fluctuates with the variations in the quantity of her home product and supplies from the Baltic and other places.

#### AGRICULTURAL COLLEGES.

In 1862 Congress showed its protecting care over the agricultural interests by voting land or land-script to the aggregate value of nearly ten million dollars for the purpose of endowing one or more agricultural colleges in each State in the Union. Already nearly all the States have their Farmers' Colleges in successful operation, with an aggregate attendance of about 4,000 students under the training of 375 professors in theoretical and practical agriculture in all

their branches. Each college has an experimental farm of one to three hundred acres attached to the college, where the students go daily from the lecture room, and are thoroughly trained in the art and practice of intelligent husbandry.

This higher standard of agricultural education promises great results in elevating the calling and advancing the interest of the farmer.

In conclusion, we submit this paper to the consideration of our farmers, and Granger friends especially, and if yet there is believed to be cause for any complaint against the Government in a want of solicitude or provision for the development of the great industry of agriculture, the pages of THE REPUBLIC are open to afford interested parties a hearing on a subject that affects either directly or indirectly, not the Grangers and farmers alone, but our entire population.

### THE CHEAP TRANSPORTATION PROBLEM.

Down with railway monopolies and give us cheap transportation were the catch-words of the Opposition in Wisconsin and Iowa during the last campaign. In the opinion of these new-fangled reformers the Republican party could not be trusted with the devise of ways and means to alleviate as far as practicable the just complaints of the people. The Legislatures of these States have been in session for some months, but the zeal for reform on the part of the Opposition is cooling down to zero—in fact they have fully committed themselves in the interest of railway corporations, not merely by neglecting to devise local legislation, but also by the assumption of certain positions for the government of national affairs. The first assumption is that the Federal Government must sacrifice everything to keep down national expenditures, and that all appropriations for river and harbor improvements, the enlargement of canals and the provision of facilities for water inter-communication are so many evidences of corruption and ex-

travagance. The assertion is that expenditures for these objects involve taxation, and as the Grangers of the West are opposed to taxation these important improvements must be indefinitely postponed.

The next position is that Congress has no constitutional power to interfere with the prerogatives of corporations chartered by the several States, and the power to regulate inter-State commerce and to provide for uniform rates and facilities is totally denied.

The next position is that it is inexpedient and an evidence of centralization, dangerous to the public welfare, for Congress to charter new railway corporations. And even the initiatory proposition to create a board or commission of inquiry to ascertain what may be best in the premises and in what direction Congress may afford the most speedy relief to the people has been bitterly opposed.

The next position is—and the example of Illinois is cited in support—that neither Congress nor the State Legislatures

can pass laws which will practically enforce even justice to the inhabitants along the lines of railways, and, if admitting this to be the case, the friends of cheap transportation argue that the Government should construct double-track roadbeds of its own, to be operated either by Government officers or by private individuals, we are met with a perfect storm of denunciation that this means usurpation and unbounded corruption.

Since they choose to reject all propositions promising relief, let us inquire of them "What will *you* do to redeem the earnest and solemn pledges that you made to the people before election? What measure will *you* adopt to secure to the husbandman of the far West his just profits on the products of his labor? Why do you stimulate the people's discontent by denouncing railway corporations in the most extravagant language if you have nothing whatever to propose to mitigate these alleged wrongs? Surely these men must be utterly shameless—habituated to the violation of pledges and contemptuous of the people that have trusted them—or they would hang their heads in shame. Instead of that they believe they can blind the people by redoubling their accusations and violent denunciations. But will there be no end to this senseless farce of howling corruption at men who are incomparably better than their assailants?

In view of these things, so manifest that all men who can think and read can comprehend them, we appeal to our citizens, not as partisans, but as men having vital interests at stake, whether they can trust politicians so execrable with the conduct of national and State affairs? Let every friend of good government put the question to these self-styled reformers, What remedies do you propose? What other object except to obtain office and power do you seek?

We stated on the very threshold of this controversy that the questions of cheap transport and the regulation of railway corporations and the devise of ways and means to do justice alike to

the corporations and the public is a work of such great magnitude that it requires prudence, patience, and perseverance, and that before the first step can be taken the entire field is to be carefully surveyed by the most scientific and at the same time most practical investigation.

If the Republican party, with all its resources, intelligence, and skill, is unequal to the task of providing practicable remedies on the spur of the moment the reform opposition led by men of the Groesbeck stripe, who so sadly need reforming, will only aggravate existing evils by stimulating discontent on the one hand and by affording perfect immunity to corporations on the other.

Under these circumstances it is one of the duties of the Republican press to contrast the loud-mouthed professions of the Opposition with their performances, so that the people may take warning and not be deceived by the same shallow devices during the next campaign.

**THE KANSAS SENATOR.**—The vacancy caused by the resignation of Senator Caldwell was filled on the 2d February by the election of Hon. James M. Harvey. Kansas may well feel proud over the choice made. Mr. Harvey will bring with him to the United States Senate, large experience, an unsullied reputation, and ability of a high order. He has served five terms in the Kansas legislature, and two terms as governor of the State. He owns and works a fine farm in Riley county, is identified with the farmers' movement, and is a straight-out Republican. His election is both a credit to the State and a deserved compliment to a worthy man.

**CANALS IN EGYPT.**—There are in Egypt 113 navigable canals and 758 smaller ones used for purposes of irrigation. In Upper and Lower Egypt there are 500 steam pumps used for the distribution of water. The ancient modes of raising water are still in general use, but in time will no doubt give way to the improved methods of civilization.

## FREE DELIVERY AND POSTAL SERVICE.

*Comparison Between 1869 and 1873, Both Inclusive—Four Years.*

1869—Expenses .....	\$1,183,915
Receipts from local postage .....	666,000
Cost of service above receipts .....	517,000
1873—Total expenditures. ....	1,422,000
Receipts .....	1,112,000
Cost of service above receipts .....	310,000

1873—Whole number of pieces handled, 374,915,000. 1869—Whole number of pieces handled, 210,291,000. Increase in the business, 164,624,000.

This shows that an increased expenditure of \$238,000, or twenty per cent., has increased the business seventy-five per cent., and has reduced the difference between expenditures and receipts from \$517,000 to \$310,000, or from nearly fifty per cent. to about twenty per cent.

*Comparison of Postal Statistics for 1869 and 1873, Both Inclusive.*

In 1869 the mails were transported 41,400,000 miles by rail, at a cost of \$4,720,000, or 11.6 cents per mile.

In 1873 the mails were transported 65,600,000 miles by rail, at a cost of \$7,250,000, or 11 cents per mile, showing a reduction in cost of six mills per mile.

In 1869 the whole number of stamps, envelopes, and newspaper wrappers sold was 502,701,000; the cost for transportation was \$13,485,000; all other expenses, \$10,213,000. Total expenditures, \$23,698,000, or 4.7 cents per piece; transmission, 2.68 cents; office, 2 cents.

In 1873 the whole number was 764,200,000; the cost for transportation was \$16,833,682; all other expenses, \$12,251,263. Total expenditures, \$29,084,945, or 3.8 cents per piece; transportation, 2.2 cents; office, 1.6 cents.

The business increased from 502,700,000 pieces to 764,200,000, or 75 per cent. The expenses increased from \$23,698,000 to \$29,084,945, or 23 per cent. The receipts increased from \$18,344,000 to \$22,996,000, or 25 per cent.

Year.	Receipts.	Number of stamps.	Average receipts.
1869. ....	\$15,078,000	502,700,000	.03
1870. ....	16,456,000	554,407,000	.03
1871. ....	17,629,000	602,801,000	.0294
1872. ....	19,070,000	655,380,000	.029
1873. ....	20,399,000	764,200,000	.0269

*Pro rata* increase in 1870, 10 per cent.; in 1871 and 1872, 9 per cent.; in 1873, 17 per cent.

This statement shows an average increase in the business of the first four years of about ten per cent. and during the last year of seventeen per cent. or 44,000,000 more than the average. This increase was caused partly by the reduction of the rates of newspaper wrappers from two cents to one cent, which was followed by an increase of 5131,000, or sixty per cent., and a reduction of \$35,588 on the receipts from this source.

Postal cards were introduced in the last quarter of 1873, but had very little effect in increasing the correspondence. In the corresponding quarter of 1872 there were sold 165,024,000 stamps, exclusive of newspaper wrappers; for the corresponding quarter of 1873, 178,518,000, exclusive of newspaper wrappers and postal cards. If the increase had been equal to that of the other quarter of that year, or eighteen per cent., the number sold would have been 194,720,000. The number actually sold, including 31,000,000 postal cards, was 209,518,000. We find, therefore, that the use of the postal card increased the correspondence 14,790,000, or about seven and three-quarters per cent., while the increase on newspaper wrappers for the same quar-

ter was ninety per cent. The average receipt for each stamp sold in the quarter of 1872 was .028, and in 1873 was .025.

If the measure for establishing the postal telegraph, now pending in Congress, shall become a law the receipts for delivery will be considerably increased, with no increase for transmission and no material addition in the cost of delivery.

**FACTS vs. FICTION.**—In a recent issue of the Cincinnati *Commercial*, a so-called independent journal, the following statements, among others, are made:

1st. *The family of Postmaster General Creswell are accused of driving behind a \$1,700 span of horses recently purchased with money taken from the contingent fund of the Post Office Department.*

The fact is, that the family of the Postmaster General never uses the Department carriage and horses, but do use their own private carriage and horses, bought with the money of and owned by Mr. Creswell; consequently the above statement is wholly untrue.

2d. *And not being a selfish man, Mr. Creswell is credited with providing carriages for five of his chief Assistants.*

**THE FACT.**

But one carriage is kept by and at the cost of the Post Office Department, which is used for official business by the Postmaster General and all of his chief assistants as occasion may require, so that this statement of the *Commercial* is also untrue.

3d. *About two years ago Postmaster General Creswell allowed the purchase, out of the contingent fund, of a horse and wagon to convey the mails of Congressmen between the Capitol and post office.*

**THE FACT.**

No horse or wagon has ever been purchased or used for such purpose by the Post Office Department, nor has the mail for Congressmen ever been carried between the post office and the Capitol by the Post Office Department, or any of its agents, that work being done by the officers of the respective houses of Congress; thus the third statement of the *Commercial* falls for want of even the semblance of truth to stand upon.

4th. *Very soon it was found necessary to buy a horse and buggy for the man who delivers notices of the non-payment of postage.*

**THE FACT.**

No person is or has been employed to deliver such notices, consequently there was no such use for a horse and buggy, and none was purchased for such purpose.

5th. *This was followed by other purchases of horses and carriages, and finally a stable was leased for the shelter of this property and a man hired to take care of it.*

**THE FACT.**

No other horses or carriages have been purchased by the Department, and the only foundation for the statement as to the stable is, there is a small stable attached to a building occupied by a portion of the clerks in the Department and the Department horses are kept therein because it is cheaper than to hire them boarded at a livery stable.

The article in the Cincinnati *Commercial*, from which the foregoing extracts are taken, contains many other statements equally devoid of truth; but these are given as specimen bricks, and for the purpose of showing that the statements of the *Commercial* are unworthy credit.

**A STAGER ON FRANKING.**—An old stage owner in Idaho, in giving his views on the repeal of the franking privilege, said: "Now I rides free on my own line. Why? 'Cause, you see, if I paid my fare to the driver, and he didn't knock down a cent, he might handle a bigger pile of money, but I'd be no richer; but if he should knock down on my fare, you see, I'd better gone as a dead-head. Now, Mister, if you can show me how I can make a bigger pile by paying my fare, I'll own beat; but this adding to my receipts by paying in my own money don't just tally with my notions of business. You see, the Government owns this post office machine, and how it's to make money by paying itself for what it does for itself is a little ahead of my time. It may do for your financiering, but it can't run a stage line in this part of the country."

## PENNSYLVANIA RAILROAD—ITS REPORT FOR 1873.

The twenty-seventh annual report of the Pennsylvania Railroad Company contains many facts of general interest to the public. To give our readers an idea of the business done by a first-class road we present a few statements taken from the report.

The main line of the Pennsylvania road is 338 miles in length; its branches, 511 miles, making a total length for the road of 869 miles. The company also work the New Jersey lines, 276 miles in length; Belvidere Delaware, 80 miles, and the Philadelphia and Erie, 288 miles, making a grand total of 1,513 miles owned by it or worked under its supervision.

The revenues and expenses of the main line between Philadelphia and Pittsburg during 1873, with its branches, were as follows:

From passengers.....	\$4,169,141 97
From emigrant passengers.....	230,529 49
From mails.....	158,287 50
From express matter.....	450,241 40
From general freights.....	19,608,555 07
From miscellaneous sources.....	269 253 47
	<hr/> 24,886,008 9)

## EXPENSES.

For conducting transportation.....	\$5,664,140 57
For motive power.....	4,2 3,530 53
For maintenance of cars.....	1,926,095 53
For maintenance of road.....	3 246,832 20
For general expenses.....	379 706 33

15 440,305 16

Leaving net earnings in 1873.....	\$9,445,703 74
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In the above cost of "maintenance of road" is included the difference in the price paid for steel rails to replace those of iron, amounting to 16,760 tons, or about \$670,000.

The net earnings Pennsylvania railroad for 1873, as above stated, were.....	\$9,445,703 74
The net earnings Pennsylvania railroad for 1872 were.....	8,247,852 18

Showing an increase in 1873 of.....	1,197,851 50
The total earnings of these works in 1873 were.....	24,886,008 90
And for 1872.....	22,012,525 27

Showing an increase in 1873 of gross earnings... 2,873 483 63

Of the above earnings there were received from the 358 miles of the main line:

In 1873 (\$62,314 19-100 per mile).....	\$22,308,481 68
In 1872 (\$55,896 14-100 per mile).....	20,010,818 80

Increase from the main line..... 2,297,662 88

And from the branch lines leased and owned—excepting the Philadelphia and Erie railroad:

In 1873—511 miles in length.....	\$2,577,527 22
In 1872—426 miles in length.....	2,001 706 47

Increase from branch lines..... 575 8.0 75

The earnings of branch lines operated by the company in 1873, as already stated, were..... \$2,577,527 22

The expenses of operating them, including rents of the leased branches, were..... 2,560,097 10

Showing a net direct profit in operating these lines of..... 17,430 12

From 1853, when the line was opened to Pittsburg, up to 1873—twenty years—the dividends of the Pennsylvania railroad company have averaged 9 9 10 per cent. per annum; the total dividends of the company from its organization to the first of January of this year having been 234 per cent.

The whole number of passengers carried in 1872 was 5,250,393, and in 1873, 5,879,684, an increase of 629,291, or 11 98 100 per cent. The average distance traveled by each passenger was 30 18 100 miles, being 2 93-100 less than in 1872.

The number of tons of freight moved (including 787,560 tons of fuel and other materials for the company's use) was 9,998,794 tons, embracing 4,527,501 tons of coal. It was last year 8,459,535 tons, showing an increase of 1,539,259 tons, or over 18 19 100 per cent. The increase in coal tonnage over that of 1872 was 858,430 tons.

The actual cost of operating the railroad in 1873 was, including branch lines, 62 04-100 per cent. of receipts; exclud-

ing branch lines, 57 74-100 per cent. of receipts.

The earnings of the United Railroads of New Jersey and branches, and the Philadelphia and Trenton railroad, in all 276 miles of road, were, in 1873:

From passengers.....	\$4,660,122 37
From freights.....	3,398,231 39
From express matter.....	271,865 20
From mails.....	49,511 07
From miscellaneous sources.....	137,009 90

8,516,739 93

#### EXPENSES.

For conducting transportation.....	3,233,910 93
For motive power.....	1,657,376 75
For maintenance of cars.....	434,890 38
For maintenance of road.....	1,337,470 12
For general expenses.....	98,539 87

6,792,188 05

Leaving net earnings in 1873..... 1,724 551 88

The whole number of passengers carried in 1873 was 8,003,043, and in 1872, 7,580,795, an increase of 422,248, or nearly 5 6 10 per cent.

The average distance traveled by each passenger was 20 9-10 miles, being 4-10 of a mile less than in 1872.

The number of tons of freight moved (including 197,365 tons of fuel and other material for the company's use) was 3 051,577 tons, embracing 415,940 tons of coal; it was last year 2,536 304 tons, showing an increase of 515,273 tons, or over 20 31-100 per cent.

The actual cost of operating the United Railroads of New Jersey, including branches, after deducting transit duties, rent of Connecting railroad, and interest on property, and excluding Belvidere division, in 1873, was 74 4-10 per cent. of its receipts. The cost of moving freight on these railways in 1873 was within 3-10 of a mill per ton per mile of the whole amount received for the service, chiefly in consequence of the great expense of handling it and the cost of ferriages.

The earnings of the Belvidere Delaware railroad, 68 miles, and the Flemington branch, 12 miles, were in 1873:

From passengers.....	\$195,220 62
From mails.....	5,758 98

From express matter.....	3 974 00
From general freights.....	938,228 37
From miscellaneous sources.....	5,040 79

1,148,222 76

#### EXPENSES.

For conducting transportation.....	\$248,056 40
For motive power.....	210,289 27
For maintenance of cars.....	73 686 60
For maintenance of road....	292,980 38

825,912 65

Showing a balance to credit of Belvidere Delaware railroad, and Flemington branch, for 1873, of..... \$322,310 11

The whole number of passengers carried in 1873 was 397,153, and the average distance traveled by each passenger was seventeen miles.

The number of tons of freight moved (including 25,753 tons of fuel and other material for the company's use) was 1,444,573 tons, embracing 1,224,528 tons of coal.

The actual cost of operating the Belvidere Delaware railroad, including the Flemington branch in 1873, was 71 93-100 per cent. of its receipts.

The earnings of the Philadelphia and Erie railroad in 1873 were:

From passengers.....	\$632 620 30
From freights.....	3,043 806 00
From express matter.....	41,189 10
From mails.....	30,748 41
From miscellaneous sources.....	94 703 39

Total (nearly \$13,340 51 per mile of road)..... 3,842,067 20

The operating expenses during same period were:

For conducting transportation.....	\$872,256 99
For motive power.....	962,781 49
For maintenance of cars.....	393,390 03
For maintenance of road....	1,179,882 33

3,413,310 84

Showing balance to the credit of Philadelphia and Erie Railroad Company of..... \$428 756 36

The whole number of passengers carried in 1872 was 839,793, and in 1873, 777,273, a decrease of 62,520, or nearly 8 per cent.

The average distance traveled by each passenger was 26 miles, being 1 57-100 miles more than in 1872.

The number of tons of freight moved (including 191,988 tons of fuel and other materials for the company's use) was 2,356,234, embracing 959,259 tons of coal. It was last year 2,211,269 tons, including fuel and other materials for the company's use, showing an increase of 144,965 tons, or over 6 5-10 per cent.

The actual cost of working the Philadelphia and Erie railroad in 1873 was 88 84-100 per cent. of its receipts.

The Delaware and Raritan canal is also operated by the Pennsylvania Railroad Company. Its earning in 1873, on 44 miles of canal and 17 miles of feeder, from tolls, were :

From tolls .....	\$1,047.350	43
From steam towing.....	518.997	38
From miscellaneous.....	23 752	31
	<u>1,590.100</u>	12

### EXPENSES.

For maintenance of canal..	\$188,139 67
For canal operation, in- cluding drawbacks of \$70,108 75.....	244,393 29
For steam towing account	450,788 50
	<hr/>
Leaving net earnings in 1873 of.....	883 321 46
Being an increase in net earnings over 1872, of.....	\$706,778 66
	193,210 91

The number of tons of freight moved was 2,754,837 638-2240, embracing 1,977,105 tons of coal. It was last year 2,837,532 1904-2240 tons, showing a decrease of 82,695 1266-2240 tons, or 2 9-10 per cent.

Notwithstanding the increased cost of towage by reason of the obstruction of the bridge across the Raritan, the average cost of moving freight was 677 1000 cents per ton per mile, and for 1873 739-1000 cents per ton per mile, showing a decrease of 62-1000 cents per ton per mile. The actual cost of operating the canal was 55 55-100 per cent. of its receipts

The tonnage delivered by this canal into the Raritan river exceeds that delivered by the Erie canal into the Hudson river, and equals that of the foreign trade of New York, both in American and foreign vessels passing out of Sandy Hook.

The following table shows the average

earnings from freight and passenger traffic, and the cost of moving it per net ton and per passenger per mile on each of the railways worked by the Pennsylvania Railroad Company :

NAME OF RAILROAD.	Average cost of transporting each passenger per mile.	Average earnings from each passenger per mile.	Profit and loss on each passenger per mile.	Average cost of transporting each ton of freight per mile.	Average earnings of transporting each ton of freight per mile.	Average profit on transporting each ton.	Length of Railroad.
Pennsylvania Railroad and branches.....	2 01	2 48	\$0 47	0 857	1 415	0 558	869
New Jersey Lines.....	1 78	2 78	\$1 00	2 233	2 205	0 032	276
Delaware.....	2 93	2 88	10 05	0 921	1 388	0 469	80
Philadelphia and Erie.....	3 809	3 123	10 686	0 965	1 135	0 150	288

The Pennsylvania Railroad Company also control the Pennsylvania Canal, (owning 70,231 shares, at \$50 each, of the total capital, 89,143 shares.) This canal is formed of what is now termed its main line from Columbia to Wilkesbarre, 151 miles in length, with a branch from Northumberland to Lock Haven, on the west branch of the Susquehanna river. 71 miles, and a branch to Williamsburg from the mouth of the Juniata river, 113 miles, making in all 347 miles of canal, including the Wisconsin feeder, twelve miles in length, purchased of the Wisconsin Canal Company.

From Columbia to Wilkesbarre the canal has been deepened from four to six feet. The other branches will not be deepened unless the improvement is found to be actually necessary. The net profits of all these canals, for 1873, after paying

interest upon their debt, was \$187,580, all of which has been invested in canal boats.

The Company also own 28,050 acres of coal lands which were purchased to secure freight for canals and roads under its supervision. The following shows the location, number of acres, cost, and present value of the lands :

	No of acres.	Cost to P. R. R. Co., in- cluding de- velopment.	Pre-sen- t value of P. R. Co's in- terest
In Wilkesbarre coal region ....	5,823	\$1,000 000	\$1,500,000
In Hazleton coal region .....	2,119	270,000	800 000
In Shamokin coal region ....	7,808	1,092,574	1,750 000
In Lyken-Valley coal region. ....	12,300	1,445,000	6 000 000
	28,050	3,85 574	10,050,000

The bituminous coal transported on the main line, notwithstanding the short time it has sought an Eastern market, reached, in 1873, the large amount of 3,353,541 tons exclusive of that used by the company for its own consumption.

The total anthracite tonnage transported during the year upon the main line of railroad was 1,173,960 tons, and on the canals, 1,542,125 tons.

The report also refers to the transportation question, which at the present time is exciting the attention of the public, and answers the charge raised against the company of excessive freight charges, by saying :

A close examination of the accounts of this company will show that its charges for freight upon agricultural products scarcely bear the expenses of transportation, and on many items the charges for transportation are below actual cost, leaving for the conveyance of the aggregate tonnage of agricultural products little or no profit to the railroad company ; this is largely due to the irregularity of its movement, and the comparatively small amount of back loading obtained, as four-fifths of the cars return empty. The profits of the company from this source are almost wholly derived from the transportation at higher rates of the valuable articles which the sale of these products enables

the merchants and farmers to purchase in the East for consumption at home. If the shareholders of the Eastern trunk lines relied upon the direct profits from the carriage of agricultural products for dividends they would be disappointed in their expectations.

One of the complaints against railway companies by the advocates of cheap transportation is that the railway capital of the country has been "watered," that is, increased by the issue of shares not represented by any expenditure upon their railways. This does not apply to the administration of the Pennsylvania Railroad Company ; on the contrary, a very large amount of its net revenues have been applied to construction account. Notwithstanding the heavy charges that have been made from net revenue from time to time to expense account, the cost of transporting freight, by reason of the increased quantity now moved, and the improvements made to the railway and rolling stock of the company, has been reduced from 1.860 cents per ton per mile in 1864 to .870 cents in 1873, from which it will be perceived that the cost of movement in 1864 was 118 per cent. greater than it was in 1873. The whole benefit of this reduction has been given to the public in reduced rates upon transportation, which have likewise fallen from an average charge in 1864 of 2.46 cents per ton per mile to 1.41 cents in 1873.

The reduction in the cost of transportation has now nearly reached its limit, unless there should be a material fall in the price of labor and materials, which is not anticipated or desired by railway companies, as their prosperity is mainly due to the prosperity of all classes of the community.

In reference of the temporary embarrassment of the company during the panic of 1873, the report says :

The financial wants of the company for 1873, it was believed, were fully provided for in due season, and the provisions made for them would have been ample to meet all demands upon the treasury of this company, including the November dividend, but for the unexpectedly large requirements made upon us to sustain the credit of our connecting lines, and enable them to pay for outlays necessary to accommodate their increasing tonnage.

Rather than pay the exorbitant rates then demanded for money, or adopt the alternative, as was done during the panic of 1857, of passing the dividend, the board deemed it best to meet the

question by an issue of interest bearing scrip, payable in fifteen months—which action seems to have given general satisfaction to the shareholders; of this scrip \$754,600 has already been redeemed, and more will continue to be absorbed in the payment of installments due upon subscription to our stock.

It may also be mentioned that in consequence of the financial panic, the amount derived from the sale of exchange, from the low rate it had to be sold at, was not as great as anticipated, and to that extent reduced our anticipated receipts from the sale of our bonds in Europe.

The following statement will show the amount of money received from subscriptions to the capital stock of this company, and from the sale of its bonds, &c., during the year 1873; also, the accounts to which the money thus received has been applied:

It will be seen from the Treasurer's statement annexed that the general account for 1873 shows a total of.....	\$140,725,637
Do. 1872 do.....	116,658,824

An increase in the year 1873 of..... 24,066,813

On the debit side of the account this increase is made up of—

Increase in capital stock.....	\$14,872,538
Bonded debt .....	8,073,476
Bills payable .....	893,551
Securities New Jersey companies. ....	257,000
Accounts payable.....	41,839

24,143,404

Decrease in profit and loss... 76,591

24,066,813

On the credit side of the account this increase is made up of—

Increase in construction of third track, sidings, machine and car shops, passenger and freight stations, &c.....	\$1,300,387
Increase in equipment, 155 locomotives, 49 passenger cars, 2,523 freight cars, and 40 road cars.....	4,179,159
Increase in real estate purchased .....	477,887
Increase in construction on the extension from West Philadelphia to the Delaware river .....	176,516
Increase in bonds and stocks purchased of other com-	

16 R

panies in which this company owns a majority of capital stock, to enable them to complete their works and extend their facilities.....	7,351,165
Increase in securities New Jersey Company's.....	257,000
Increase in fuel and materials for the operations of the Pennsylvania, Philadelphia and Erie, and New Jersey railroads .....	388,141
Increase in bills and accounts receivable, consisting mainly of advances to railroad companies in which this company has a controlling interest.....	8,141,456
Increase in balance in hands of agents.....	877,867
Increase in balance in hands of treasurer.....	917,265

24,066,813

At a meeting of the stockholders of the road, at Philadelphia, Pa., March 10, 1874, at which time the report was read, the following resolutions were adopted, having been submitted by the the board of directors to meet the views of shareholders, that a committee of stockholders be appointed to investigate the condition of the company in every respect.

"Resolved. That the report of the board of directors, as just read, be printed in pamphlet form for the information of the stockholders, and that a committee of seven shareholders of the company, entirely disconnected from its management and operation, be appointed by the chairman of this meeting, and by him be requested to serve as a committee to examine the report and into the condition of the company, to make an appraisal of the value of the roads, shops, machinery, real estate, depots, bonds, stocks, and all other assets of the company; also to examine into the liabilities and obligations of the company, including all its guarantees for other lines, with the sources of revenue to meet the same; also its contracts and relations with other companies and parties of every kind; and to report the results of this examination to the shareholders in such form as said committee may deem most advisable for the interest and information of the shareholders either by printed report for distribution, or, at their option, by calling a meeting of the shareholders to present their re-

port, giving thirty days' notice of such meeting by advertising in the usual form. "Resolved, That the president, directors, and officers of the company be

requested to furnish such committee with all needful information and facilities to enable them to accomplish the object of their appointment."

## WHITHER ARE WE DRIFTING.

The recent turn political affairs have taken in some of the Southern States, and the spirit exhibited by the leading politicians of the old faith, is at least cause for reflection. Possibly an evil is growing which will, in the end, bring dire results. That some of the Southern States have been badly governed may as well be admitted; that reconstruction has not proved a complete success is also evident; that the foresight of our statesmen did not penetrate the future when the reconstruction measures were adopted is now plain. Mr. Sumner's plan, announced in a speech in the Senate in 1865, read in the light of present experience, would have set at rest the question of State sovereignty which is now as full of life as in 1861, when it put on the armor of battle and sought the tented field to establish its permanent recognition. Mr. Sumner proposed territorial government for the South and the obliteration of State lines.

The hasty reconstruction of the Southern States was a stretch of faith on the part of the nation without parallel in history. To expect the men who had for four years struggled for a cause and the independence of a government of their own creation, involving deep and lasting sectional feelings, hatreds, and wounds, to turn immediately from defeat to a complete surrender of life-long ideas cemented by blood was an innocent delusion. The enfranchisement of the liberated slaves was a counterbalancing element in the politics of the South, but it was a dangerous and violent presumption to believe that this ignorant and dependent people would long resist their surroundings, however true in heart and sentiment they might be toward the party they were indebted to for freedom and citizenship. What has experience shown in the political

affairs of the Southern States since the inauguration of reconstruction? An irrepressible conflict between the loyal men and the disloyalists, a struggle partaking of none of the elements which divide political parties in the other States.

In those Southern States where the negro element is predominant, reconstruction may be said to be a political success, at least the governments of those States have not relapsed into the hands of the old set, but this very predominance has led to extravagance, political corruption, and a reckless condition of affairs. In those States where the white element is predominant we see the civil affairs rapidly falling into the hands of the old original secessionists, with a determination on their part to restore the lost ground and undo reconstruction. How far this restoration will be accomplished the future can only solve, but we can speculate upon the struggle and its consequences.

The management of the South became one of the tasks of the party in power, it became a necessary burden and a duty growing out of the consummation of the war for the preservation of the national unity, as much so as the national debt; they were the twins born to the nation out of the civil war. The relapse of the nation into a condition of peace is a dangerous era; the desire to be rid of further trouble has taken permanent possession of the minds of the great mass of the Northern people, and hence the continual strain upon the Republican party. When the memories of Andersonville and Fort Pillow stood out in ghastly reminder; when the loyal hearts of the North went out in sympathy to the loyal hearts of the South, before the tan and bronze had faded from the faces of the veterans of the Union armies, almost anything was possible; but now,

the wink of the President or the shadow of the Federal power reflected for a moment in any Southern State arouses a mighty remonstrance all over the land. Grant Parish, with its murdered victims, had no such terrors as the simple intervention of Federal authority in Louisiana to bring about peace; the command "hands off and no bloodshed" in Arkansas, was a deadly sin; and the refusal of the President to interfere in Texas, when the constitution was trampled under foot, law set at defiance, and treason triumphant seemed the giving way at last under the strain. For this the President receives the momentary congratulations of his worst enemies and the country's deadliest foes. Texas, of all the Southern States, deserves some consideration; furthest off, with an immense border exposed to Mexican outlawry and Indian savagery, with all the elements that go to make up a lawless, ungovernable community, where laws and courts of justice have alike been traditionally set at defiance, whose soil hardly felt the tread of contending armies during the "late unpleasantness," where there are more unwhipped rebels than in all the South besides, strange as it may seem, has shown more evidence of loyalty and good government than any other of the seceding States. For four years its civil affairs have been well conducted, the laws have been enforced, lawlessness suppressed, education fostered, and the State prospered beyond all others in the South. An honest man, Southern in birth and interest, but loyal at heart, has wielded the executive power, and leaves the State richer than he found it, though poorer in purse himself. Such a spectacle in the South stands out in bold relief amidst the corruption, the avarice, and ill-gotten gains which have marked the administrations of other Southern States.

It may be asked, if the picture just drawn is correct, why has Texas relapsed into the hands of the old revolutionists? It is evidently not owing to bad government, but to the untiring efforts of the

old set of politicians to overturn the party of progress. In this they were greatly aided by the large influx of discontented white people who came from the other Southern States to escape "negro rule." It is estimated that the voting strength of the Democratic party was augmented over twenty thousand during the past four years by this means. Carpet-bag rule, as understood at the North, never existed in Texas; the Republican party of that State consists of a large white original Union element and the enfranchised colored men, with accessions from the truly reconstructed Confederates.

The revolutionary action of the so-called Democratic succession in Texas is worthy of comment. An election is held, under a law passed by the first Democratic Legislature since reconstruction, in 1873, which legislated the members of that body out of office before the expiration of their terms; it also changed in every material particular the manner of holding elections. After the election a test was made before the Supreme Court of the State of the validity of the law; it was declared invalid. In the face of this decision the Legislature meets and takes another step in defiance of the constitution of the State, and forcibly ousts the old State officers before the expiration of their terms; then they regard the old Supreme Court as out and reinstate the old Confederate Supreme bench, man for man, with the addition of two other Confederate judges. Having gone so far without interruption, they meditate going still further. The district judges appointed under the previous administration, thirty in number, whose terms of office do not expire for three years, are being addressed out by the Legislature with astonishing rapidity. Cities and towns where Republican officials have been elected are rudely taken possession of, their charters suspended, officers removed and others appointed by the usurping Governor, (the city of Houston is an instance,) and now, this Democratic Legislature are considering

methods to secure a new constitution. They seriously entertain the idea of appointing a commission from their own body to prepare such an instrument.

If, because the revolutionary party in a State is able to show an overshadowing majority, that is a reason for the Federal Government interposing no inquiry into the manner of conducting its affairs, then the great object and aim of the secession party in the South have been gained. Everything is possible then.

The State governments of the Southern States must, in the nature of things, be weak and vascillating for years to come. The Federal Government must

exercise a watchful care over them; it must see that the people have not merely the form but the substance of a republican form of government. If States are to be abandoned, as it were, given over to the fury of a mob, we may expect nothing but serious commotion and the worst results. The hour has not come when the Republican party, on whose shoulders rests all the responsibility, can let go its firm policy and surrender the loyal element of any Southern State to the ungovernable fury of even an overpowering mob. If that hour has come, it is time to cry "to your tents, O Israel!"

## WHAT A SOUTHERN REPUBLICAN SAYS.

MY DEAR SIR: Permit me to call your attention to the attempt made by the Democratic Legislature of Virginia in the passage of a law giving a new charter to the city of Petersburg, the provisions of which are intended to nullify the laws of the United States extending suffrage to the colored people, but which was defeated by the veto of the Governor of the State.

The ruling motive for the passage of this law, as explained by our Democratic papers here, was to take the government of the city out of the hands of the people, because the majority of those people happen to be Republicans.

Now, a more barefaced attempt at usurpation can not well be conceived, and it is a process of enslaving the negroes that has been carried on steadily by the Democrats of this State since they came into power. All the cities and towns of this State have been kindly cared for by our Legislature, and all the Republican counties have been treated in the same way. This foul crime against the laws of the United States and the liberty of the people has been going on in open day for years in this State; and, though we have raised our voices in protest and called the attention of our Republican leaders in the nation to this unrebuked conspiracy

carried on in open day, still the crime increases. I have long thought that our supposed weakness caused our words to be disregarded, and that the great Republican party still remains true to the fundamental principle of liberty for the people, upon which it was originally built. I supposed that our party, like the old Democratic party, would become more and more devoted to the fundamental idea of its being as it grew in power and permanency. I saw the old Democratic party grow strong in the advocacy of slavery; and, as it grew strong in wealth and numbers, its devotion to slavery became more and more intense. In like manner I expected to see our party grow more and more intense in its devotion to liberty. As the Democratic party received constant accretions from less stable parties, so also I have expected to see the Republican party increase in the land. The reverse seems to be the truth in respect to the Republican party under every specification. Why is this? Care we not for principle?

Now, that the case in Virginia has been brought to your notice and to that of the nation, something ought to be said on the subject of these usurpations. I find the *New York Times* and other Republican papers publishing Kemper's

veto and the whole proceeding, and yet the editorials speak not a word about the attempted outrage, no commendation of Kemper's manly act.

I can not account for this except upon the grounds that our friends are discouraged over the experiment in favor of liberty, as illustrated in South Carolina and Louisiana. This should not be. They should correct their errors and take on more zeal. South Carolina has done badly, and who that understands the matter expected otherwise? Not I. Let us not turn back on these poor, unfortunate people. It is a crime to abandon them. My plan is to educate them; for without education they can not vindicate the wisdom of our policy; and then let our leaders take hold of this extravagance prevalent in Republican States and tell the chief men engaged in it that it must stop. Our leading Republicans in Washington can stop it if they desire to. Will they? I am anxious about this matter, for if we allow the arrogance of the Democrats and the profligacy of selfish Republican leaders at the

South to succeed the former will get possession of this Government in a very few years; and then a new sort of slavery, now growing up, will be firmly established at the South, or a new war made necessary.

I beg you, if you see this matter as it is and as I see it, to bring to bear some adequate influence to arouse our people. It is in its tendencies a serious matter.

Truly yours,

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We quite agree with the writer as to the danger impending, but we are not so confident that the remedy proposed—the action of leaders at Washington—will prove adequate. That intelligent and united action on the part of the leaders at the capital would be of great service we readily concede, but to make it effective to the accomplishment of the great task proposed by the writer, the cordial, united, and energetic action of the Republicans of the South is absolutely essential.

## THE DEPARTMENT OF STATE.

Of all the Executive Departments this has the closest relations to the President. Not only do all the appointments to diplomatic and consular offices proceed from this office, but all the home branches of the Government center in the Department of State. The commissions of all the Cabinet Secretaries, judges, marshals, Governors and Secretaries of Territories, officers of the customs and revenue, postmasters, &c., as well as all Executive pardons, emanate from the Secretary of State. The Department once included the Patent Office, Pension Office, and the Land Office. These were successively cut off previous to 1848, and now constitute the Department of the Interior. A further extending process might be adopted with advantage, or the Department might be divided, with a "Secretary of State for Foreign Affairs" and a "Secretary of State for Home Affairs." There is no congruity in the appointment and in-

structions of a Minister to England and the appointment and regulations of a Governor of Montana Territory or a marshal in Arizona. These belong more properly to the office of the Secretary of the Interior. The whole force of the Department of State numbers only about forty persons. It is notably a hard-working Department and economical in all its expenses. Thad. Stevens so pronounced it several years ago, after a survey of all the different Departments. It is somewhat surprising that this important Department, with its valuable archives, has occupied now for eight years a hired building, frail in its structure and poorly protected from fire. More than once it has barely escaped conflagration. Besides the valuable records pertaining to the office, it contains papers purchased from the heirs of Washington, Jefferson, and Madison by the United States at a cost of several hundred thousand dollars. In

a room exposed to fire and robbers may be seen an original copy of the Declaration of Independence, in Jefferson's own handwriting, with amendments interlined in the handwritings of Adams and Franklin. Other revolutionary and ancient papers, second only to this in interest and value, are exposed to destruction or loss. One of the interesting features of the Department is its library. From Jefferson down, the Secretaries have added to its volumes until they number some twenty thousand. The character of the books is miscellaneous, although works on international law, history, and biography abound. Geography has not been neglected. Magazines, foreign and domestic, bound for a series of years, are steadily accumulating. About a thousand volumes of the leading newspapers of the world have been bound, running back to 1783. This valuable contribution to history, for the want of room, has never been available. The Department has been compelled to hire outside buildings, and to fill them from cellar to garret with these newspapers and books. Such has been the parsimony and delay of the Government in supplying suitable buildings that proper care of the books and archives of the Department has been impossible.

The business of the Department is classified under the following heads: Archives and indexes, diplomatic, consular, law, accounts, statistics, translations, pardons, commissions, and passports.

The correspondence with ministers and consuls all over the world, as may be imagined, is immense. The accounts with ministers and consuls for salaries and contingent expenses are kept by the disbursing clerk of the Department. This branch of business seems more properly to belong to the Treasury. The disbursing clerk is also made the custodian of a large amount of "trust funds," so called. One of these, the woolen duty fund, has a curious history. About the year 1819 the British Government exacted from certain American importers

several hundred thousand dollars of duties on woolen goods illegally. After much contention the British customs officers, in 1857, paid over to the agent of the American importers, Mr. Charles Barry, nearly the whole amount claimed. This sum at length came into the hands of the disbursing clerk of the Department of State, who proceeded to divide it among the several hundred claimants, residing in Boston, New York, Philadelphia, Baltimore, Richmond, Savannah, Charleston, and Mobile. The lapse of time from 1819 had carried many of the accounts required to prove a claim into oblivion. A considerable amount, therefore, has never found an owner. Other governments, barbarian, half-civilized, and civilized, have at times made indemnity to American citizens—ship-owners, sailors, &c.—for outrages and spoliations. The distribution in these cases is made through the Department of State. The Secretary of State, in the name of the President, in his discretion, rewards masters and crews of foreign vessels who rescue American citizens from shipwreck, generally by the presentation of a watch, a medal, or money, to captain, mate, and sailor.

#### EXPENSES.

As before remarked, the expenses of the Department of State are moderate, the whole cost being only \$117,446 64 per annum, viz: For salaries, \$75,015 08; contingent, including rent, \$28,207 96; copying, proof-reading, extra clerks, \$7,000; stationery, furniture, books, &c., \$7,223 60. These are the expenditures of the Department *proper*. Besides these there are the expenses of the missions abroad, consuls, and contingencies of foreign intercourse, which are in charge of the Secretary of State to some extent. The salaries of ministers last year amounted to \$310,500; of consuls, \$409,000. The contingent expenses of ministers and consuls, including rent, loss by exchange, &c., were \$113,367 55. Other contingent expenses of foreign intercourse amounted to \$22,413 63. The expenses of consuls are reimbursed to the Treasury by the fees received by them

and paid into the Treasury. The Vienna Exposition cost \$32,923 68, and the Geneva Arbitration \$26,769 44. Three thousand six hundred and ninety-eight dollars was the cost of presents made to foreigners for rescuing from shipwreck citizens of the United States.

The publication of the laws of the second session of the Forty-second Congress in two newspapers in each State and Territory cost the large sum of \$84,658 96.

#### SECRET SERVICE FUND.

The accounts of the Department are audited by the Fifth Auditor of the Treasury Department, and warrants for their payment issued by the Comptroller. This applies also to the diplomatic and consular service. Money may be drawn from the Treasury by the disbursing clerk of the Department of State on a certificate of the President that "it is not expedient at the present time that its object should be made known." This is called the "secret service fund." In all other cases the precise object of all moneys drawn must be given, with proper vouchers. Congress has power to investigate the disposition made of money expended solely on the "certificate" of the President. It has exercised the prerogative in one or more instances. During the war it was often highly important that the President should use money for purposes not expedient to be made known to others. At all times in his intercourse with foreign nations the necessity may arise.

#### CIVIL SERVICE.

As in all branches of Government service, the talent employed in this Department has notably deteriorated since 1865. We could name a dozen persons in the Department previous to 1865 who are now earning in private life double and quadruple the salaries they received as clerks. A few have been compelled to retire on account of old age or sickness, after many years of faithful service. The places made vacant are necessarily filled by young men, most of whom will in turn give place to other inexperienced persons. Before the war "few

died and none resigned." The Department for years was officered by the same men. With the war came a fearful advance in the cost of living, with no increase of salaries. The consequences are apparent in every Department. In a recent number of the *REPUBLIC* it was stated that of the thirty principal clerks in the office of the Secretary of the Treasury in 1869 only seven now remain. It is only by extraordinary measures that the United States Treasurer retains a sufficient number of clerks competent to perform the responsible duties of the office.

#### WHO HAVE BEEN SECRETARIES.

Jefferson, Madison, Monroe, Adams, Clay, Webster, Calhoun, Everett, Marcy, and Seward are among those who have been at the head of this Department. Indeed, almost every eminent statesman of the past has at some time occupied this position. We only miss from the roll Hamilton, who was Secretary of the Treasury, and John Jay, who was Chief Justice, and John Adams, who was Vice President in Washington's Administration; Fisher Ames, Josiah Quincy, Benton, Wright, and Rives. Two men who filled the office—Robert Smith and John Nelson, both of Maryland—seem nearly forgotten. In making up a complete series of portraits recently of the Secretaries, considerable difficulty was encountered in finding one of Nelson or of Smith. The Department is in possession of oil paintings of Jefferson, Webster, and Seward; the remainder of the series are photographs taken mostly from engravings. All these portraits should be transferred to canvas. Thomas Jefferson held the office four years and four months—*i. e.*, from September 26, 1789, to January 2, 1794; Timothy Pickens, for four years and five months; James Monroe, five years and eleven months, and John Forsyth, six years and nine months. No others exceeded four years, excepting James Madison, John Quincy Adams, and William H. Seward, who were each in office as Secretary of State precisely eight years. Hamilton Fish, the present occupant, has held the office now over five years.

Virginia has furnished the *Premier* twenty-one years, and New York over nineteen; Massachusetts, next in order, thirteen years—eighteen, if we include Timothy Pickering, who hailed from Pennsylvania, but was really a Massachusetts man. From 1841 to 1861 there were twelve changes in the office of Secretary of State—an average of less than two years for each occupant. John Nelson was Secretary but one week, in 1844, and Elihu Washburn for six days, in 1869. Presidents Jefferson, Monroe, and Lincoln had each but one Secretary, while John Tyler had five, although in office less than one term.

#### REMINISCENCES.

The earliest recollections of former Secretaries in the Department now are of Martin Van Buren, in 1829. During his Secretaryship, William Hunter, now the esteemed Second Assistant Secretary, entered the Department as a clerk. For forty-five years Mr. Hunter has been in continuous service, fourteen years as chief clerk, under eighteen different Secretaries and twelve Presidents. Always faithful, he is still a valued public servant, in vigorous health. Mr. Chew, who died in office a few months since, was nearly forty years in the Department, and several now there count more than twenty years of service. Most of the Secretaries have left pleasant memories among the clerks who survive them. Webster, Marcy, and Seward were all great-hearted men, genial and kind in all their intercourse with their subordinates. Their relations partook very much of that of a family. Mr. Webster was not above borrowing money of the clerks and messengers, nor of occasionally lending to them. The President one day sent a needy friend to Mr. Marcy with a note requesting the Secretary to give a place to the bearer which involved the removal of a faithful messenger, who was named in the note. Mr. Marcy read the note, and gave General Pierce's friend to understand that "the President could not have the place of that messenger for his friend, and that there was only one place in the Depart-

ment he could have—that was his own." Other Secretaries were cold and distant in their manners, exacting and pragmatical. General Cass, although a *millionaire*, was noted for his penuriousness. He bewailed the expensiveness of living, the inadequacy of his salary, often saying he should die a poor man. Mr. Seward, without complaining, remarked that "it cost him three times his salary to be Secretary of State, and had his throat cut in the bargain." Mr. Fish is remarkable for the labor he performs himself, and the great amount he exacts from all his subordinates in the Department. The smallest details of office business are known to him and under his immediate direction. He is a faithful public servant.

#### PASSPORTS.

Any citizen, native or naturalized, may obtain a passport on application to the Department without fee or cost. Many thousands are issued annually. For years a fee or tax of five dollars was charged for each passport, and paid into the Treasury of the United States. For some reason unexplained Congress abolished this tax in 1870. It seems to have been a proper and equitable tax. The present Secretary now asks that the tax may be restored, and the avails applied to additional and necessary clerk hire in the Department.

The new building for the Department will be completed during the present year. The present building will then revert to the managers of the Washington Orphan Asylum, its owners, who will have received the handsome sum of one hundred and twenty thousand dollars as rent. It is a consolation that the money goes to so good an object.

**RAILROADS AND TELEGRAPHS.**—The following table shows the number of square miles, the length of the railroads and telegraph lines in Great Britain, France, Germany, and the United States in 1873:

Countries.	Area. Sq. miles.	Railroad. Miles.	Telegraph. Miles.
Great Britain	121,111	15,497	22,000
France .....	204,091	10,954	26,226
Germany .....	208,619	13,695	22,076
United States	3,611,844	71,109	70,511

## SHALL CHAOS RULE?

The machinery of republican government being worked through the instrumentality of voluntary organizations known as political parties, the individual citizen can not impart the impulse of his wishes and desires to the Government except through some political organization. This fact being recognized beyond dispute, the question to be decided is, which of the existing political organizations is composed of the best elements of the nation and gives the greatest guarantee of peace and permanency?

Precisely as we underestimate the benefits of the genial sunshine and a pure health-giving atmosphere because they are without price though indispensable to existence, so are we undervaluing the blessings of public peace and of personal security under our Government—strong enough to guard the national honor, and to command the respect of foreign nations—and at the same time guaranteeing the most complete enjoyment of “life, liberty, and the pursuit of happiness” to all its citizens. A survey of cotemporaneous history discloses the fact that many of the most civilized nations have been rent by revolutions and distressed by foreign wars; and even our own has been taught by the late terrible rebellion the lesson that it is highly dangerous to intrust power to certain elements of society.

In these circumstances, when our citizens are compelled either to give their support to the Republican party, which is now responsible for the conduct of the Government, or to throw their influence in opposition thereto, a candid and careful survey of the political field becomes a duty. Let them, therefore, analyze the component parts of the Opposition, so that they may clearly see the pathway of their political duty, for as men of conscience and of honor, having for their sole aim the public welfare, they can not desire to be misled by clamor and misrepresentation.

First. We find the rebel element, as represented by the Southern Historical Society, which is but a *nomme de plume* for a permanent political organization of the irreconcilables, which even now control Texas, Georgia, Virginia, and several other ex-rebel States. Its avowed object is the preservation of the notable achievements of the chief enemies of the Government so that their deeds of treason may be handed down for the admiration of future generations. The real object, however, is the perfecting of an active political organization to be controlled by those who still believe that at some future and no distant time secession of a section or submission of the whole may be accomplished by the co-operation with those political organizations that represent most nearly their views.

Second. The next strongest element is represented by the Hon. Fernando Wood and the Tammany Hall organization of New York city. It will be remembered that Mr. Wood was the regular Democratic nominee for the Speakership, and thus, if the Democracy had been in the majority, Fernando Wood would have presided over the House in place of Mr. Blaine. Without further comment, we leave every intelligent citizen to determine for himself whether Mr. Wood would have been an improvement upon Mr. Blaine in the interest of statesmanship, personal purity of character, or of good government. The Tammany Hall element represents the unscrupulous janisaries of the country who are ready to assume any mask and to profess any principles and to join any party that promises success. It is the patronage of the Government and its financial advantages which is their aim, and the means, whether they be false pretenses, misrepresentations, or frauds at the ballot box, are considered entirely subordinate. Their motto has certainly always been “All is fair in war.”

Third. The next active, reliable, and

powerful element of the Opposition is the beer brewing and liquor selling interest. This interest commands an organized army of several hundred thousand men scattered in every city and village in the land, united by a strong pecuniary interest to do battle in the cause. We venture to say that this interest can raise five times more money for political purposes than the Republican party. As a majority of the liquor sellers are, moreover, citizens of foreign birth, they control and carry with them a vast majority of the German and Irish voters. So far as their influence may extend it will certainly and uniformly be exerted against the Republican party, because they know full well that the Opposition will do their bidding, no matter what their professions may be before election.

By raising a number of thousand dollars and by uniting almost the entire foreign element against the Republican party they succeeded in carrying the State of Wisconsin last fall, and the consequence, of course, is the repeal of the present qualified prohibition laws, and if a majority in the Senate had not been Republican every restraint would have been swept away.

Fourth. The next element of the Opposition is the extreme teetotal abstinence and prohibitory liquor law element. Although few in numbers they are bitter, enthusiastic, and active. Most of its leaders have become personally embittered against the Republican party because their desires for office, for themselves or friends, have not been complied with. Many of them would be Democrats outright, but have joined the prohibition party because they hope to increase their power of mischief by their professions of superior purity. For instance, the late election in New Hampshire has been thrown into the hands of the Democrats by this element, although the Republican candidate was pledged to maintain the present law, while the Democrats, as a party, were known to be arrayed against prohibition.

Fifth. Another element is the party

of virtue par excellence, of which Mr. Groesbeck, of Cincinnati, who has recently been convicted, by his own confession, of spending, in connection with his brother-in-law, twenty-five thousand dollars to lobby a measure of pecuniary benefit to his wife through the common council of Cincinnati. The chief advocates and supporters of the reform wing of the Democratic party are the *New York Sun* and *Tribune*, Springfield, Mass., *Republican*, Cincinnati *Commercial*, and the *Chicago Tribune*. Among the fruits of this reform movement, organized under the auspices of the *Chicago Tribune*, was the election and retention in office of the city treasurer, Gage, who defaulted to an amount of half a million of dollars. This element differs from the Tammany Hall element in this, that while it is even more unscrupulous it aggravates the case by the most lofty professions of superiority of personal purity.

Sixth. A portion of the Grange element is also vainly sought to be arrayed against the Republican party, by all sorts of promises which those who make them well know are impossible of fulfillment. The Grangers are promised free trade on the one hand, and exemption from direct taxation on the other; the destruction of manufacturing monopolies and a home market. High rates of taxation of the gross income of railways, and low rates of transport. Under this new dispensation, led by defeated Democrats, most of the offices are to be abolished and the balance are to be put up at auction to the highest bidder. Grangers are promised that they shall be law-makers and office-holders, and politicians are to take Mr. Greeley's advice and "go West," to become Grangers.

These constitute the chief elements of the Opposition. Whether the picture has been overdrawn we leave our readers to judge. It seems to us that the installation of these elements can only lead to disorder and boundless corruption. If any one can see an improvement in this combination his hatred against the

Republican party must be very strong, and his prejudices very great.

Granting that the Republican party has its share of camp followers and spoils seekers, and that it is not beyond the frailties and imperfections attending all human organizations, we submit that during the last twelve years it has given sufficient guarantees that the country is safe in its hands; that the rights of every citizen are sacred; that the moderate men with progressive ideas have controlled its policy, and enabled it slowly,

but surely, to perfect various great measures of national reform; and that the vast majority of its members are earnest, intelligent, honest, and patriotic men, whose chief aim and glory is the perpetuity of the Republic. In these circumstances the citizen who chooses to depart from its ranks assumes a grave responsibility which may have the most disastrous effect, not merely to him but to his posterity, for the sins of the fathers have often been visited upon the children, even down to the tenth generation.

### SOUTHERN WAR CLAIMS—THE REPORT OF JUDGE WM. LAWRENCE, OF OHIO, CHAIRMAN OF THE COMMITTEE OF WAR CLAIMS.

In an article in the March number of *THE REPUBLIC* it was shown that the "war expenditures" growing out of the rebellion for the fiscal year ending June 30, 1873, were \$162,389,088 36. They will probably reach this sum for the current fiscal year. There are now before the Committee of War Claims of the House of Representatives about 800 claims asking about \$15,000,000, besides other war claims before the Senate Committee of Claims and other committees, which will reach probably \$10,000,000. There are pending before the Commissioner of Claims under the act of March 3, 1871, for quartermasters' stores and commissary supplies, claims reaching \$50,000,000, besides those in the Court of Claims, those before the quartermasters' and commissary departments, and cotton claims in the Treasury Department. Judge Lawrence, of Ohio, has made a report to Congress in which he *arranges into classes* most of the war claims against the Government, discusses the question of the duty or liability of the Government to pay them, and recommends a mode of ascertaining the amount of those proper to be allowed.

He says:

Many of these are doubtless test-claims—that is, they are presented, and, if successful, others of like character will follow when once Congress shall be

committed to the payment of any particular class.

The claim of J. Milton Best has been before Congress some years. Its success would secure, on the same principle, the payment of other claims arising at the same place, called "the Paducah claims," only recently presented, to the amount of \$300,000. And claims of like character would arise from very many localities, amounting to very many millions. And the same may be said of other classes of claims."

The amount is variously estimated from \$150,000,000 up to \$200,000,000, depending on what classes of claims it may finally be determined by Congress to pay or to reject. Very few people are aware of the magnitude of this subject and the importance of the questions discussed in this report.

It is arranged into *seven chapters* covering 104 printed pages, and is the most full and exhaustive discussion of the whole subject found in any one Congressional report since the war of the rebellion. The following is abstract of the subjects discussed and the conclusions arrived at:

#### CHAPTER I.

##### OF WAR—REBELLION—THE CLASSES OF WAR CLAIMS—GENERAL PRINCIPLES.

It is now determined, by the highest court, that the civil war *began*, at least for some purposes and at some localities, as early as April, 1861. By the President's proclamations of April 15 and 19,

1861, an insurrection was declared to exist in certain States. Under, and it may be correct to say by virtue of, the act of Congress of July 13, 1861, the proclamation of insurrection was extended so as to declare eleven States, with unimportant exceptions, in rebellion.

Flagrant war was continued in those States until the President's proclamation of August 20, 1866, proclaimed the "insurrection at an end." A "state of war" continued beyond this time, more or less extensive in its theater—"non flagrante bello sed nondum cessante bello."

This condition of war is recognized by the law of nations.

The Supreme Court of the United States decided in December, 1862—

"The present civil war between the United States and the so-called Confederate States has such character and magnitude as to give the United States the same rights and powers which they might exercise in the case of a national or foreign war."

In the prize cases it was insisted by counsel "that the President in his proclamation admits that great numbers of persons residing" in the rebel States "are loyal," and the court were asked to hold "that they \* \* \* have a right to claim the protection of the Government for their persons and property, and to be treated as loyal citizens."

But the court answered this by declaring that—

"All persons residing within this territory whose property may be used to increase the revenues of the hostile power are in this contest liable to be treated as *enemies* though not foreigners."

The Constitution recognizes and, for their appropriate uses, adopts "the laws of nations," and these include the *laws of war*.

The laws of war, equally with the amendments to the Constitution, determine certain rights of person and property. Here, then, in the Constitution are two systems of law, each having a purpose. The laws of peace, and the amendments to the Constitution for the security of life and property, apply in time of peace and in time of war where no war or state of war exists.

But where war is actually flagrant, or a state of war and the exercise of military authority exist, the laws of war prevail; and, so far as clearly necessary for all purposes of the war they are so far exclusive that no antagonistic law or exercise of jurisdiction can be allowed.

Questions may arise in several classes

of cases relating to compensation for property, *real or personal*, taken, used, destroyed, or damaged on land or sea:

1. By the enemy.

2. By the Government military forces in battle, or wantonly or unauthorized by troops.

3. By the temporary occupation of, injuries to, and destruction of property caused by actual and necessary Government military operations in flagrant war.

4. And as to property useful to the enemy, seized and destroyed, or damaged, to prevent it from falling into their hands.

Questions arise as to these in wars with foreign nations, in the late civil war as to States proclaimed in rebellion, in other States and Territories and the District of Columbia, during the period of flagrant war, and the succeeding state of war, in behalf of resident and non-resident citizens, aliens, and corporations.

Upon ordinary claims the Government is not liable for interest unless by contract so providing.

## CHAPTER II.

### OF PROPERTY TAKEN, USED, DAMAGED, OR DESTROYED IN THE STATES PROCLAIMED IN REBELLION.

As to the eleven States proclaimed in rebellion during the period of flagrant war, it may be said in general terms that the United States, by the strict rules of international law, incurred no liability whatever for property taken, used, damaged, or destroyed therein by Government authority, so far as dictated by the necessary operations of the war, nor by the operations of the enemy. This is well settled by every writer on the laws of war.

Halleck says:

"War \* \* makes legal enemies of all the individual members of the hostile States; \* \* it also extends to property, and gives to one belligerent the right to deprive the other of everything which might add to his strength and enable him to carry on hostilities."

"A firm possession is sufficient to establish the captor's title to personal or movable property on land, but a different rule applies to immovables or real property. A belligerent who makes himself master of the provinces, towns, public lands, buildings, &c., of an enemy, has a perfect right to their possession and use. \* \* The possession \* \* gives a right to its use and its products."

By modern usage there are, and ought to be, humane limitations on the ancient right of seizure, which restrict it to what

is useful in the prosecution of the war or necessary to disable the enemy.

By General Order No. 100, approved by the President April 24, 1863, "instructions for the government of the armies" were issued, which were prepared by the eminent jurist, Francis Lieber, LL. D., embodying the laws of war as recognized among civilized and Christian nations, in which it is declared that—

"Churches, hospitals, or other establishments of an exclusively charitable character, establishments of education, museums, &c., \* \* may be taxed or used when the public service may require it."

The Supreme Court has determined that during the rebellion—

"Cotton in the Southern rebel districts—constituting, as it did, the chief reliance of the rebels for means to purchase munitions of war, an element of strength to the rebellion—was a proper subject of capture by the Government during the rebellion on *general principles of public law relating to war, though private property*; and the legislation of Congress during the rebellion authorized such captures."

By the strict rules of law, then, no citizen of any State in revolt, nor any citizen of a loyal State having property in a rebel State, can have any claim on the Government for property of any kind used, occupied, damaged, or destroyed during the rebellion. And this extends to colleges, churches, and property of every kind *necessary to aid the operations of the Union army, or destroyed, to weaken the power of those in revolt against the Government.*

While these are the rights which the Government *might* lawfully enforce against all the inhabitants of the seceded States during actual insurrection, yet in practice they were wisely and humanely modified by acts of Congress, and the military authorities in virtue of their general power in special cases advised departures from strict rules.

Congress has also, as a gratuity, provided for the payment—

"To those citizens who remained loyal adherents to the cause of the Government of the United States during the war, for stores or supplies taken or furnished during the rebellion for the Army and Navy of the United States in States proclaimed as in insurrection, including the use and loss of vessels or boats while employed in the military service of the United States."

The right to take property in the in-

surgent States, *by the common laws of war*, remained generally in force, but Congress also provided modes of taking property in *statutory modes*.

The statutes in relation to captured and abandoned property authorized the Secretary of the Treasury to appoint special agents to receive all abandoned or captured property in the States proclaimed as in insurrection, and required the military and naval authorities who took or received any such abandoned property, or cotton, sugar, rice, or tobacco, to turn the same over to the Treasury agents, who were required to sell the same, and pay the proceeds into the Treasury. These acts provide, also, that any person claiming to have been the owner of any such property might, at any time within two years after the suppression of the rebellion, prefer his claim to the proceeds thereof in the Court of Claims, and, on proof of ownership and loyalty, he shall receive the proceeds, less cost and expenses.

The act of May, 1872, required the Secretary of the Treasury to pay to the lawful owners, who filed claims within six months, the net proceeds of sales of cotton seized after June 30, 1865, and actually paid into the Treasury by agents of the Government unlawfully and in violation of their instructions.

No proof of loyalty was required under this act, and under the prior acts it was held that a pardon restored loyalty so as to give a right to recover.

The time has expired within which claims can be made for proceeds of cotton and other captured and abandoned property, and many claimants are now asking that they be permitted to make proof either before the Court of Claims or the proper committees of Congress, with a view to receive the proceeds of property which they allege to have been sold by the Treasury agents.

There are claims also for pay for cotton and other property seized by the military authorities and used in military operations as breast-works for defense, and otherwise.

Congress doubtless prescribed the period of two years after the suppression of the rebellion within which claims should be filed in order that some end should exist to demands of this class on the Treasury. And the act of March 30, 1868, required all money arising from captured and abandoned property to be covered into the Treasury, (15 Stat., 251.) This was intended to put an end to payments from the Treasury, except on judgments in pursuance of prior statutes. This policy so settled should not be changed unless for urgent reasons.

The policy of the law was not to allow claims in favor of those who had organized or aided rebellion. They had no legal claims on the Government. Nearly ten years have passed since much of this cotton was seized, and if the time is extended for making claims, very many, if not most of those who were really disloyal, will be able to assert and prove loyalty. The evidence of disloyalty will be almost entirely lost.

The net proceeds of captured and abandoned property remaining in the Treasury February 27, 1874, was \$14,410,429. The awards made by the Court of Claims, and not yet paid, out of this fund are \$1,834,011, and the claims still pending in that court aggregate over \$20,000,000. To this is to be added claims now pending before Congress, reaching some millions.

The cotton captured after June 1, 1865, approximates \$5,500,000, representing about fifty thousand bales, nearly all seized as owned by the so called Confederate Government, which had purchased it of citizens in exchange for Confederate bonds delivered them. Yet on this fund, most of it confessedly arising from cotton of this character, claims are filed before the Secretary of the Treasury by individual claimants, under the act of May 18, 1872, covering 136,000 bales, nearly three times the amount seized, and aggregating nearly \$18,000,000.

From all this it is apparent that no committee of Congress could with any degree of justice, either to the Government or claimants, investigate separate claims. This could only be done by a body clothed with power to visit Southern localities, and ascertain facts by a searching scrutiny and personal conferences with witnesses. If any provision should be made in this class of claims, it should be in a mode very different than that of an examination of claims in detail on *ex-parte* evidence by a committee of Congress.

In the application of the general principles stated there are some recognized exceptions.

The Government, in honor and in law, is bound to make compensation for property of citizens used, damaged, or destroyed, when—

I. The commander of an army, under proper authority, or other officer duly authorized, in advance or at the time of the use, damage, or destruction, distinctly *agrees* with the owner of the property that the Government shall make compensation, and when, *upon the faith of this, the promise is accepted* and the property voluntarily surrendered.

II. When, by the terms of the capitulation of a hostile city or army, there is a distinct stipulation by the proper officer commanding the Union army that rights of person and property shall be respected, this pledge is to be respected, and a violation of it by military officers clothed with authority to act in the name of the Government would create a liability to repair any damages. But this protection only extends to such enemies as strictly observe neutrality and the terms of the capitulation, and to property the nature of which does not take it out of the condition of neutrality.

And it can not be an absolute guarantee against unauthorized pillage or other damages incident to surrounding circumstances.

III. The same rule of protection is extended to persons and property where there is no capitulation, but an authorized military proclamation promising it, when a city or district of the enemy is subdued and occupied. This principle will apply generally to duly authorized safeguards.

IV. During the rebellion the ordinary laws of war as to enemy's country were by the general policy of the Government, sanctioned by Congress and the President's proclamation of August 16, 1861, so far modified that in such parts of the rebel States as were permanently occupied and controlled by the Union military forces, and where rebellion had ceased and was no longer probable, the Government assumed to interfere no further with the rights of person and property of the enemy than should be required by necessary subjection to military government. But this immunity will extend only to those who were loyal, or who ceased to engage in aid or encourage the rebellion.

The report recommends the passage of a bill extending the time to March 3, 1875, for loyal citizens to present claims to the Commissioners of Claims for quartermasters' and commissary supplies, and providing that said commissioners shall receive and report on the four classes of claims above enumerated, and upon such claims as may be referred to them by either house of Congress. The object of this is to have an investigation that will protect the Government as well as secure justice to claimants. It is proposed also to add two more to the number of commissioners, so as to

hasten the decision of claims, and thus do justice to claimants, and to secure the evidence to protect the Govern-

ment, which is daily being lost by death and the failure of the memory of witnesses.

[To be concluded in the May number.]

## CUTTING DOWN APPROPRIATIONS.

Where shall the work begin? This is the important question and the one that comes nearest home. Each will endeavor to drive the reduction as far from his own door as possible, and will flatter himself that such is the proper rule; and it might be a reasonably safe rule if all expenditures were equally meritorious and equally promotive of the general prosperity. But such is not the fact. Some expenditures can be dispensed with without materially affecting the progress of the Government or checking the enterprise of the people. Others are essential to both. What then is the fair rule? Should not the reduction be so made as, if possible, to leave the industries of the people and the flow of population impeded to the least possible extent? Should not such reduction be so made as to fall as nearly as possible upon the various sections and interests best able to bear them? For instance, if you are about to erect a military fortification which will be unproductive when completed, will neither aid nor stimulate the general community and industries in its vicinity, nor add to the productive powers of the nation, can it not be dispensed with without reference to the State or section in which it is located? Not so with the improvement of a harbor or a navigable water line, for in this case the people would enjoy, 1st, the advantage of the circulation of money caused by the expenditure, and, 2d, what is of more importance, the permanent cheapening of the cost of the transfer and interchange of commercial property and agricultural products.

Beyond the necessary current expenditures of the various branches of the public service, the outgo should be for works of utility; especially should this be so when revenue and expenditure are

as evenly balanced as at the present time. But to cut off expenditures which promote production or lead directly to development is to deplete the revenue with disadvantage to both Government and people.

Among the propositions for reduction said to be under consideration is that of the reduction of the mail service on many of the non-paying routes in the interior Territories and the Southwestern and Pacific States. To do this to any considerable extent will be a radical change of policy on the part of the Government, the expediency of which may well be questioned. It has been the uniform practice of the Government to carry mail facilities beyond paying localities, that there might be inducement to settle and improve the waste and sparsely peopled sections; this policy has kept up ready and constant communication between the advance settlements and the older communities, and has in a large degree stimulated the rapid westward movement of population and aided the great development of the agricultural and mineral resources of the distant States and Territories. If, after the occupation of California, the people in the territory beyond the Rocky mountains had been left to themselves and communication between them and the older States limited to compensating mail or other lines, we might now have to lament the establishment of an independent Pacific Republic. It is, however, safe to say that no such danger menaces the country now, for it has been effectually provided against by extraordinary and non-remunerative expenditures on the continental railways and other means of communication. But this danger successfully passed, can the nation, considering its financial con-

dition, afford to neglect any measure or abandon any policy which may induce the peopling of that region, and aid the development of the vast mineral resources found in the interior and Pacific sections, especially at this time, when every industrial and commercial interest demands a largely increased production of the precious metals? Shall the postal service in this time of need be discontinued as a means of development? And even if this policy must prevail, should not the older communities generously bear their proportion of the reduction? If a semi-weekly stage line is sufficient for Oregon, is not a daily postal car line sufficient for New England? Shall the semi-daily and expensive postal car service be continued for the East, in its frequency, out of funds saved by the withdrawal of facilities in the West? These are questions of equity and policy which are at least worthy of consideration, not only in regard to the work of the Postal Department, but also as affecting many other proposed reductions and expenditures in the public service.

That, in the present emergency reductions should be made in some of the various expenditures of Government there can be no reasonable doubt, but it is equally certain that, in making such reductions, care should be taken not to cripple the national revenues or discourage the industrial enterprises of the people.

**COST OF PUBLIC PRINTING.**—As one item of the cost of the investigation into District affairs we would mention that the original reply sent by the Governor of the District to Congress, with copies of all contracts, vouchers, &c., was placed in the hands of the public printer, who employed sixty compositors for several days, doing twelve hours' work per day to complete it as soon as possible. The volume thus printed contains nearly 600 pages in small type, and the cost can not be less than \$2,500. By the time this investigation is brought to a close its bulk will equal, if not exceed, the noted Kuklux investigation reports, which filled thirteen volumes.

**GENERAL INTELLIGENCE.**—We believe the day is not far distant when the enlightened public opinion of the country will demand universal education applicable to and enforced in every section of the Republic. Our perpetuity and safety as a Government depends on the intelligence of our people. The higher the standard of intelligence the safer and more permanent will be our institutions. In his Farewell Address Washington left us his views on the subject. He said: "Promote, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion it is essential that public opinion should be enlightened." The party that follows this advice will not lack the earnest support of the people.

**OLD MEN.**—Thurlow Weed, in a recent number of the *New York Tribune*, gives a personal sketch of several old friends who have passed their one hundredth year. A resident of Monroe county, Pennsylvania, George Labar, is 112 years old. Mr. George Trivle, of Daleville, Pennsylvania, is the oldest landlord in the State, and is now, at the age of 109 years, proprietor of the hotel at Daleville. Captain Lahrbusch, of New York, an intimate friend of Mr. Weed, is now in his 109th year, and as hale and hearty as a man at 60. He speaks the French, German, Dutch, Spanish, and Portuguese languages.

**REVENUE ON DISTILLED SPIRITS.**—Receipts of the Government from distilled spirits for eleven years, from the fiscal year ending June 30, 1863, to the corresponding period of 1873, inclusive:

Years.	Receipts.
1863 .....	\$5,176,530 50
1864 .....	30,329,149 53
1865 .....	18,731,422 45
1866 .....	33,268,171 82
1867 .....	33,542,951 72
1868 .....	18,655,630 90
1869 .....	45,071,230 86
1870 .....	55,606,094 15
1871 .....	46,281,848 10
1872 .....	49,475,516 36
1873 .....	52,095,505 02

388,234,101 41

# APPENDIX.

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IS WASHINGTON CITY THE CAPITAL OF THE UNITED STATES, OR THE  
CAPITAL OF THE DISTRICT OF COLUMBIA?—THE DUTY OF  
THE NATION TOWARD ITS CAPITAL.

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SPEECH  
OF  
HON. NORTON P. CHIPMAN,  
OF THE  
DISTRICT OF COLUMBIA,  
IN THE  
HOUSE OF REPRESENTATIVES, FEBRUARY 23, 1874.

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The House being in Committee of the Whole on the state of the Union, on the relations of the District of Columbia to the General Government, and the duty of the nation toward its capital—

Mr. CHIPMAN. Mr. Chairman, the difficulty which I have found in tracing the relations of the District of Columbia to the General Government, and the embarrassment I have experienced in ascertaining important facts upon that subject, have induced me to relieve others of the labor which I have been forced to undertake by presenting a succinct history of these relations; and growing out of this subject I have found equal difficulty in determining precisely what has been done by the nation for its capital in the way of improvements of streets, avenues, parks, reservations, and the like, and what has also been done by the local authorities.

It occurred to me that the great public interest now being felt upon this subject would warrant a careful examination into it, and that I might be able to render the House some service in collating the essential facts; and I shall feel amply repaid if I shall be the means of enlarging the vision of any member toward the national capital, or of enlightening a public sentiment which I believe is ready to demand of Congress that the Government shall no longer neglect the pledges of the early fathers to build here a metropolis which shall illustrate the

origin, growth, and progress of our civilization.

## PRELIMINARY HISTORY.

One of the first important questions which challenged the attention of the Continental Congress at the close of the Revolution was the selection of a permanent seat of Government. Congress was practically on wheels, and had held its sessions at Philadelphia, Baltimore, York, Princeton, Annapolis, Trenton, and New York city. The fathers saw that the permanency of the capital would have much to do with the permanency of the Government itself, and it became, therefore, one of the first questions seriously considered.

When in June, 1783, Congress, sitting at Philadelphia, felt itself insulted by a band of mutineers whom the State authorities could not quell, the subject of possessing territory for a permanent seat of Government, exclusively within Government control, became a practical question, and continued to be discussed until the adoption of the Constitution.

In October, 1784, after full debate, Congress, sitting at Trenton, passed an ordinance creating a commission, with full power to lay out a district on the Delaware river for the Federal city.

The ordinance and the debate form an important link in the history of the location of the capital, and illustrate the

enlarged views thus early entertained, and which were subsequently carried out in the final location of the capital on the Potomac river.

The location upon the Delaware seemed not satisfactory, and it was probably owing to that cause that the commissioners never entered upon their duties; but the subject continued to attract public attention, and came before the Continental Congress in various forms.

The debates which took place and the public sentiment which found expression in pamphlets and newspapers show that few questions have excited greater interest or seem to have been regarded as fraught with greater importance to the country.

Some of the ablest men of the time took part in the discussion, and treated the subject as one eminently worthy to arouse the patriotism of the people.

Without suggesting the various considerations of climate, locality, &c., which led to the establishment at the present spot, I need only, for my present purpose, refer to one on which there was general agreement, namely, that the present and future good of the Republic demanded that the location should be remote from any of the great cities then springing up. It was thought impolitic to attach it even to the suburb of a commercial city, or that it should itself become one, and it was therefore resolved to found a new city with reference only to the convenience, safety, and glory of the nation.

It was directly with reference to this fact that a provision was placed in the Constitution withdrawing from the States all legislative control over the district in which the capital might be located, and placing it in the exclusive power of Congress. This exclusive control was regarded as essential to bestow dignity and independence on the Government.

Upon this question Mr. Madison wrote in the *Federalist*:

Without it, not only the public authority might be insulted and its proceedings be interrupted with impunity, but a dependence of the members of the General Government on the State comprehending the seat of government, for protection in the exercise of their duty, might bring on the national councils an imputation of awe, or influence equally dishonorable to the Government, and dissatisfactory to the other members of the Confederacy. This consideration has the more weight, as the gradual accumulation of public improvements at the stationary residence of Government would be too great a public pledge to be left in the hands of a single State, and would create so many obstacles to a removal of the Government as to further to abridge its necessary independence.

But without noticing further in this

connecting the preliminary history, I assert that the history of the location of the capital, the declarations of its founders, the provisions of the deed of conveyance made by the proprietors of the soil, the contemporaneous acts, the plan of the city, and the legislation of Congress, show a distinct and unmistakable purpose on the part of the United States to build here a Federal city at Federal expense. I can not hope, in the limit which I am forced to place on myself on this occasion, to present more than a skeleton of the evidence establishing this proposition.

#### LOCATION OF THE CAPITAL.

I have alluded to the debates upon the subject as showing the importance attached to it.

Mr. Scott said:

The future tranquillity and well-being of the United States depend as much on this as any question that ever had or could come before Congress.

Fisher Ames remarked:

That every principle of pride and honor, and even of patriotism, was involved in it.

No Senator or Member treated the subject except as one of the profoundest importance; and this feeling must be considered when we come to notice what was ultimately done in relation to it.

It must be remembered that our capital city was located in the midst of a virgin forest; it was literally the creation of the Government. No consideration was allowed to stand in the way of making it precisely what the Government desired it should be, and this purpose was reached after that calm deliberation which characterized all the important acts of the early fathers.

There was involved in the very idea of building up a great political and non-commercial city, with the chief view of accommodating the necessities of the Government, the implied pledge that Government would take upon itself the burden of public improvements in that city.

A city deprived of commerce and manufactures is deprived of the means of self-support. The founders could not have been ignorant of the fact that to make the capital what they designed it to be was impossible, except under the fostering care of Government.

A city without revenues could not provide those expensive means essential alike to health and comfort.

To build a great city, as was the evident purpose of the founders this should be, without aid of the Government, and without local revenues, was an impossibility. No nation before had ever at-

tempted it, and it is absolutely certain that ours never intended to do so.

Turning to the Old World, we find that all the great cities have been either the creation of the State, or have been fostered and aided by the State, notwithstanding most of them have large commerce, manufactures, and revenues.

I will venture to say that since Washington city became our capital the Government of France has expended not less than \$200,000,000 upon the city of Paris. Under the first Napoleon over \$20,000,000 were expended on public works. Louis Philippe continued these liberal expenditures, while Louis Napoleon surpassed all his predecessors in his zeal for embellishing their capital city. For the ten years following 1859 the expenditures for public works were limited to 18,000,000 francs annually, of which the State paid 5,000,000. During all this period Paris has had a revenue greatly exceeding the expenditures both of Government and the city, and her citizens have not felt the burden of this great outlay, while the citizens of our capital, with a revenue but little more than sufficient to pay its ordinary municipal expenses, may be said to have done almost everything that has been accomplished so far toward the realization of its founders.

The act for establishing a permanent seat of government was approved July 16, 1790. It authorized the President to appoint three commissioners, who should under his direction have power—

To purchase or accept such quantity of land \* \* \* as the President shall deem proper for the use of the United States, and according to such plans as the President shall approve, and also to provide suitable buildings for the accommodation of Congress, the President, and for the public offices of the Government of the United States, the same to be in readiness by the first Monday of December, 1800.

The language, as well as its spirit, shows clearly that the city was founded for the use of the United States. Its plan was to be formed by the United States Commissioners and approved by the President. No interests were consulted except those of the United States, as we shall soon see. The plan of the city finally adopted was in keeping with the enlarged views of its founders, and in direct and absolute violation of every law which should govern in laying out a commercial or business city.

#### DEED OF CONVEYANCE.

The commissioners entered upon their duties with great zeal, while the watchful eye of President Washington was always upon them.

The present limits of the city were fixed upon, and on the 29th of June, 1791, the deed of conveyance by the

original proprietors of the soil was executed.

The deed was made upon certain special trusts, some of which I will notice as important in showing the purpose of the founders. The first one was :

*That all the said lands are hereby bargained and sold, or such part thereof as may be thought necessary or proper, to be laid out, together with other lands within the said limits for a Federal city, with such streets, squares, and parcels and lots as the President of the United States for the time being shall approve.*

Thus the proprietors parted with all the soil for the purpose of building here a Federal city, leaving it exclusively with the President to select from the whole whatever he might deem necessary or desirable for that purpose. No reservation was made in the deed for the benefit of the proprietors, other than that after the President had indicated all the streets, squares, parcels, and lots that he should deem proper for the use of the United States, there should be—

*A fair and equal division of the remaining lots, and the United States should pay for its reservations and lots at the rate of twenty-five pounds sterling per acre.*

The deed does not provide for the dedication of any public squares, streets, or avenues to the public use, but the absolute fee-simple vested in the United States, so that the Government could at any time close a street or occupy a public square for such purposes as it deemed proper.

The question as to the scope of the deed in this regard came up early in a dispute between the commissioners and the proprietors. The latter thought that the United States had the right only to use the streets as public highways, and not to alienate them or divert them to other uses.

Attorney Generals Lee, Breckinridge, Wirt, and Cushing advised that the United States had the fee-simple title to the streets, and avenues, and reservations, and it was so held in the case of *Van Ness et ux vs. The City of Washington*. (4 Peters, 232.)

Of this grant the Supreme Court says :

The grants were made for the foundation of a Federal city, and the public faith was necessarily pledged when the grants were accepted to found such a city.

Again :

Congress must forever have an interest to protect and aid the city.

The city was designed to last in perpetuity—*Capitoli immobile saxum*.

No imperial government ever possessed greater powers over the soil than was conveyed in this deed.

This absolute control is further seen in the following clause of the deed, which I will notice :

But the said conveyance to the said grantor—

The Government was to reconvey to the grantor what it did not require—

his heirs or assigns, as well as the conveyance and purchase, shall be on and subject to such terms and conditions as shall be thought reasonable by the President for the time being, for regulating the materials and manner of the buildings and improvements on the lots generally in the said city, or any particular streets, or parts thereof, for common convenience, safety, and order.

Here we have the very construction of the houses and the improvements generally subject to the exclusive will of the President.

Can there be any doubt that the purpose of the Government in making this deed was to leave the purchasers of private lots and the proprietors no judgment on, or participation in, the direction of the plan of the city, or its control after being planned?

There was a handful of people here at the time, a few families composing the proprietors of the soil, that were desirous of retaining their present buildings and grounds, and the little graveyard which they had set apart for the home of their dead, but these were not so sacred as to stand in the way of establishing just such a city and upon just such a plan as the President and his commissioners, acting under authority of Congress, should devise; and it was therefore provided that "in case the arrangement of the streets, lots, and the like will conveniently admit of it," the grantors shall retain their buildings and graveyard by paying at the rate of "twelve pounds ten shillings per acre for the land so retained."

The private owners of lots did not complain then, nor do they now, that the Government possessed itself thus absolutely of every interest of the city; for if the original idea had been consistently carried out, Washington would be to-day the finest metropolis in the world. But what the citizens from the first have had reason to complain of, and what they now complain of, is, that while the Government has in many ways acknowledged its obligations to build here a great Federal city at Federal expense, it has practically thrown almost the whole burden upon private property, as I shall hereafter show.

#### PLAN OF THE CITY.

The first record evidence of arrangements made for laying out the city of Washington that I have found is a letter of General Washington, dated March 11, 1791. In a subsequent letter, of April 30, the same year, he speaks of it as the "Federal city," but in a letter of the commissioners, dated September 9,

1791, they informed the architect, Major L'Enfant, that they had agreed to call the Federal district the "Territory of Columbia," and the Federal city the "city of Washington."

L'Enfant was a French officer who sought service here during the Revolution. Having attracted the attention of General Washington he served near his person; but it was probably through the influence of Mr. Jefferson that he was selected as the architect to plan the future Federal city. Mr. Jefferson, who took great interest in the plan, mentions in a letter to Washington that he had furnished L'Enfant with large and accurate maps of all the principal cities of the continent.

To this French officer are we indebted for the general idea ultimately adopted in the plan, although the one adopted finally and reported to Congress, engraved, and circulated through Europe, was prepared by Major Ellicott.

This plan, as agreed upon, was submitted to Congress in the following message, December 13, 1791:

I place before you a plan of the city that has been laid out within the district of ten miles square, which was fixed upon as the permanent seat of the Government.

G. WASHINGTON.

UNITED STATES, December 13, 1791.

If members will take the trouble to examine this plan, now on file in the office of Public Buildings and Grounds, all doubt will disappear as to the fact that the Government intended this city to be developed and improved at Government expense.

The evidences of the intention of the Government to make this a great city at Government expense are everywhere apparent. Standing at the site of the Capitol building as the center, we have this immense area divided by wide streets crossing each other at a right angles, while radiating to every point of the compass, and in remote parts of the city crossing diagonally the rectangular streets, are broad, magnificent avenues, with many reserved sites for public buildings, and seventeen large reservations for parks, or for Government use, dotting the plan in all parts of the city.

Of these, varying in width from ninety to one hundred and sixty feet, there are one hundred and ninety-five miles of streets and sixty-five miles of avenues; the area thus appropriated to thoroughfares being more than all the area of the reservations and building lots together.

No one looking at the plan would conclude that convenience and economy for transacting business, which are the first considerations in laying out commercial

cities, for a moment entered into the minds of the founders of this great city.

That gentlemen may see by comparison of street areas in other cities how far Washington excels them all in its "magnificent distances," I give in this connection the following table :

RATIO OF AREAS OF CERTAIN CITIES.

	<i>Per cent.</i>
Paris.....	25.08
Vienna.....	35.08
Philadelphia.....	29.08
Berlin.....	26.04
Boston.....	26.02
New York.....	35.03
Washington.....	54.05

From this table it will be seen that Paris, thought by many to be the most beautiful city of Europe, notwithstanding its grand boulevards, and its Champs Elysées, has less than one-half the street area of Washington city. The greater part of the business streets of Paris are, for the convenience of business, made narrow, while their avenues and boulevards are broad and beautiful ; but here there is not a street less than double the width of Broadway, New York.

That Government ever could have designed to tax private property in this city for the entire improvement of these streets and avenues is to the last degree absurd.

Mr. Wirt, Attorney General, in speaking of this plan of the city, said :

I consider sales made under the public exhibition of this plan as amounting to a contract between the public and the individual purchasers, from which it would be unwarrantable to depart.

If the honor of the nation was pledged in this plan, when Congress authorized it to be engraved and sent to the leading cities of Europe, how much more was the honor of the nation pledged that the proceeds of lots should be used to improve the city, as well as that the burden and responsibility of this improvement should fall upon Government.

Every purchaser of Government lots—and Government owned half of all—and every original owner had the right to assume that Government was pledged not only to the plan, but, back of this, to carry out its promises that this should be a Federal city, under Federal protection, and sustained and improved at Federal expense.

The grandeur of this plan, and the magnificent intention of its makers, may further be seen by noticing some of the features embraced in it.

I shall here give the explanations, observations, and references to be found upon the original plan prepared by Major L'Enfant, which is now hanging in the office of General Babcock ; the only one in existence, much marred, and scarcely

distinguishable in many of its features. I do this as furnishing one of the highest evidences of the purposes of the original founders, and as giving information which is probably unknown to a large number of members.

## OBSERVATIONS EXPLANATORY OF THE PLAN.

First. The positions for the different grand edifices, and for the several grand squares, or areas of different shapes, as they are laid down, were first determined on the most advantageous ground, commanding the most extensive prospect, and the better susceptible of such improvements as the various intents of the several objects may require.

Secondly. Lines or avenues of direct communication have been devised to connect the separate and most distant objects with the principal, and to preserve through the whole a reciprocity of sight at the same time. Attention has been paid to the passing of those leading avenues over the most favorable ground for prospect and convenience.

Thirdly. North and south lines, intersected by others running due east and west, make the distribution of the city into streets, squares, &c., and those lines have been so combined as to meet at certain given points with those divergent avenues, so as to form on the spaces first determined the different squares or areas, which are all proportioned in magnitude to the number of avenues leading to them.

## BREADTH OF STREETS.

Every grand transverse avenue, and every principal divergent one, such as the communication from the President's House to the Congress House, &c., are one hundred and sixty feet in breadth, and thus divided :

	<i>Feet.</i>
Ten feet of pavement on each side.....	20
Thirty feet of gravel walk, planted with trees on each side.....	60
Eighty feet in the middle for carriage way.....	80

160  
The other streets are of the following dimensions, to wit :

	<i>Feet.</i>
Those leading to public buildings or markets.....	130
Others.....	110
Others.....	90

L'Enfant then informs us how these lines were drawn. I quote again :

In order to execute the above plan, Mr. Elliott drew a true meridional line by celestial observation, which passes through the area intended for the Congress House. This line is crossed by another line due east and west, which passes through the same area. These lines were accurately measured and made the basis on which the whole plan was executed. He ran all the lines by a transit instrument, and determined the acute angles by actual measurement, and left nothing to the uncertainty of the compass.

I quote again, as showing the grandeur of the idea :

## REFERENCES.

A. The equestrian figure of George Washington : a monument voted in 1783 by the late Continental Congress.

This is the site now occupied by the unfinished Washington Monument.

B. A historic column, also intended for a mile or itinerary column, from whose station (a mile from the Federal House) all distances of places through the continent are to be calculated.

This spot is now what is known as Lincoln Square, near the terminus of East Capitol street.

C. A naval itinerary column, proposed to be erected to celebrate the first rise of the Navy, and to stand a ready monument to consecrate its progress and achievements.

This spot is near the steamboat landing, at the foot of Seventh street.

D. This church is intended for national purposes, such as public prayer, thanksgivings, funeral orations, &c., and assigned to the special use of no particular sect, or denomination, but equally open to all. It will be likewise a proper shelter for such monuments as were voted by the late Continental Congress for those heroes who fell in the cause of liberty, and for such others as may hereafter be decreed by the voice of a grateful nation.

This was to have been our "Westminster Abbey," and its site is now occupied by the Patent Office, while the heroes and sages whose memory was to have been perpetuated in this monumental church lie in unknown graves, unwilling to be mentioned in connection with their country's history, so long as the monument of their leader remains an unfinished, forgotten, and broken column.

E. Five grand fountains intended with a constant spout of water.

N. B. There are within the limits of the city above twenty-five good springs of excellent water, abundantly supplied in the driest season of the year.

These fountains were to have been located: one on Pennsylvania avenue between Twentieth and Twenty-second streets west; another on New York avenue between Twelfth and Thirteenth streets; another on Pennsylvania avenue and Ninth street; one on New Jersey avenue and G street southwest; another on Maryland avenue and Eighth street northeast.

F. Grand cascade formed by the water from the source of the Tiber.

This was at the base of the Capitol.

G. Public walk, being a square of twelve hundred feet, through which carriages may ascend to the upper square of the Federal House.

This is what is now known as the Mall.

H. Grand avenue, four hundred feet in breadth and about a mile in length, bordered with gardens, ending in a slope from the houses on each side. This avenue leads to the Monument, A, and connects the Congress garden with

I. The President's Park, and the

K. Well-improved field, being a part of the walk from the President's House, of about eighteen hundred feet in breadth and of three-fourths of a mile in length. Every lot deep-colored red, with green plats, designates some of the situations which command the most agreeable prospects, and which are the best calculated for spacious houses and gardens, such as may accommodate foreign ministers, &c.

All this ground is familiar to gentleman of the House. Most of it is occupied for business purposes instead of the

spacious dwellings which L'Enfant invited.

L. Around the square, (Capitol Square,) and all along.

M. The avenue from the two bridges to the Federal House, the pavement on each side will pass under an arched way, under whose cover shops will be most conveniently and agreeably situated. This street is one hundred and sixty feet in breadth, and a mile long.

He refers here to Pennsylvania avenue east and East Capitol street, and here we have the only suggestion that the idea of business being transacted in Washington ever entered into the mind of the architect, and he places the shops, as they are found in some European towns, under arcades.

I must remind gentlemen that these are not wild, visionary notions of the French architect which were finally discarded and reduced to plain, practical business notions, such as would govern in laying off a commercial town; but they are ideas which were ultimately crystallized in the shape of legislation and formed a part of the plighted faith of the nation with regard to its metropolis.

But in this very interesting piece of history, connected with this subject, I must abstract from this original, and to most persons inaccessible, plan some further observations which are recorded upon it, and which form a part of this important history. The architect further says:

The squares colored yellow, being fifteen in number, are proposed to be divided among the several States in the Union for each of them to improve, or subscribe a sum additional to the value of the land for that purpose, and the improvements around the squares to be completed in a limited time.

The center of each square will admit of statues, columns, obelisks, or any other ornaments such as the different States may choose to erect, to perpetuate not only the memory of such individuals whose counsels or military achievements were conspicuous in giving liberty and independence to this country, but also those whose usefulness hath rendered them worthy of general imitation to invite the youth of succeeding generations to tread in the paths of those sages or heroes whom their country has thought proper to celebrate.

The situation of these squares is such that they are the most advantageously and reciprocally seen from each other, and as equally distributed over the whole city district, and connected by spacious avenues around the grand Federal improvements, and as contiguous to them, and at the same time as equally distant from each other as circumstances would admit. The settlements around these squares must soon become connected.

The figures colored red are intended for the use of all religious denominations, on which they are to erect places of worship, and are proposed to be allowed them in the manner: those colored yellow to the different States in the Union; but no burying-grounds will be admitted within the limits of the city, an appropriation being intended for that purpose without.

N. B.—There is a number of squares or areas unappropriated, and in situations proper for

colleges, academies, and of which every society whose object is national may be accommodated.

What a humiliating spectacle, Mr. Chairman, it must have been to those heroes and sages who had passed away from this scene, leaving these grand intentions to be carried out by posterity, to look down upon this Government and behold it selling at public auction for gain the very squares and plats of ground that had been thus sacredly dedicated!

But I shall make but one further extract from this interesting and rare old plan, which is as follows:

This mode of taking possession of and improving the whole district at first must leave to posterity a grand idea of the patriotic interest which promoted it.

What higher evidence could be placed before the committee in support of the proposition which I am now endeavoring to establish?

Patriotic pride could not resist the temptation to remind us that the work which our fathers entered upon was to be handed down as an evidence of the great interest in the future of their country which filled their hearts. Here is the highest declaration of the purpose to take possession of and improve at once as a unit this grand Federal capital, and to leave to posterity in this plan and in this work "a grand idea of the patriotic interest which promoted it."

But I must not longer dwell upon this old plan, the very atmosphere and surroundings of which are redolent with the touch of Washington, and every line and tracing upon which is sacred.

The emotions that must have filled the hearts of the fathers as they saw laid out here a city which in the vision of the future was to illustrate at once the power, grandeur, and glory of the nation may well be recalled by us at this moment.

When, in November, 1800, Congress assembled here for the first time, President Adams said:

I congratulate the people of the United States on the assembling of Congress at the permanent seat of their Government, and I congratulate you, gentlemen, upon the prospect of a residence not to be changed.

May this Territory be the residence of virtue and happiness; in this city may that piety, fraught with wisdom and magnanimity, that constancy and self-government which adorned the great character whose name it bears, be forever held in veneration. Here and throughout our country may simple manners, pure morals, and true religion flourish forever.

It is for you, gentlemen, to consider whether the local powers of the District of Columbia, vested by the Constitution in the Congress of the United States, shall be immediately exercised. If, in your opinion, this important trust ought now to be executed, you can not fail, while performing it, to take into view the probable situation of the Territory, for the happiness of which you are about to provide. You will consider

it the capital of a great nation, advancing with inexhaustible rapidity in arts, commerce, in wealth, and in population, and possessing within itself those energies and resources which, if not thrown away or lamentably misdirected, will secure to it a long course of prosperity and self-government.

That Mr. Adams, and all who were working with him to place the Government on lasting foundations, regarded this capital city as the "only child of the Union," whose ultimate greatness and grandeur were to depend solely upon the Government, there can be no doubt.

Later in laying the corner-stone of the Capitol extension, the spirit of the great and good men of the past seized upon Daniel Webster, who upon that interesting occasion said:

Fellow-citizens, what contemplations are awakened in our minds as we assemble here to re-enact a scene like that performed by Washington. Methinks I see his venerable form now before me, as presented in the glorious statue by Houdon, now in the capitol of Virginia. He is dignified and grave, but concern and anxiety seem to soften the lineaments of his countenance.

The Government over which he presides is yet in the crisis of experiment. Not free from troubles at home, he sees the world in commotion and in arms all around him. He sees that imposing foreign powers are half disposed to try the strength of the recently established American Government. We perceive that mighty thoughts, mingled with fears as well as hopes, are struggling with him. He heads a short procession over these then naked fields, he crosses yonder stream on a fallen tree, he ascends to the top of this eminence, whose original oaks of the forest stand as thick around him as if the spot had been dedicated to Druidical worship. And here he performs the appointed duty of the day.

But let me advance in the argument.

#### COTEMPORANEOUS ACTS AND VIEWS.

I am endeavoring, Mr. Chairman, to show to the committee that but one purpose animated the founders of the capital, which was to make it a magnificent metropolis at the Federal expense. In the overwhelming array of facts and circumstances clearly establishing this proposition, I shall next present some coterminous acts and expressions of those most prominent in carrying out the wishes of Congress.

In March, 1791, Washington, in a letter to Mr. Jefferson, written from Mount Vernon, felicitated himself upon having reconciled the contending interests of land-owners, and of "uniting them in such an agreement as permits the public purposes to be carried into effect on an extensive and proper scale."

In his reply, Mr. Jefferson declares the acquisitions to be "really noble," and adds, "I think very liberal reserves should be made for the public."

Again, writing to the commissioners of the city of Washington, he says:

When you are in the situation to begin opening the avenues, it is presumed those which

will be more immediately useful will be first cleared.

While executing the wishes of Congress with regard to the capital, the President found it necessary to make a loan from the State of Maryland. His correspondence shows how deeply interested he was, and what anxious solicitude he felt for the growth and prosperity of the city; and his tentative intercourse with the commissioners exhibits a fraternal feeling toward this child of the Union utterly inconsistent with any idea that it was to be built by private citizens. Washington did not, however, live to witness the fulfillment of his wishes. He died on the 14th of December, 1799, nearly a year before the Government occupied the capital he had contributed so much to found.

I have already called attention to President Adams' opening speech to Congress on its assembling in Washington, in which he spoke of this city as the capital of a great nation, for the happiness of which Congress was to provide.

The Senate replied :

We meet you, sir, and the other branch of the National Legislature, in the city which is honored by the name of our late hero and sage, the illustrious Washington, with sensations and emotions which exceed our power of description. \* \* \* \* Great indeed would have been our gratification if his sum of earthly happiness had been completed by seeing the Government thus peaceably convened at this place. \* \* \* \* The question whether the legal powers over the District of Columbia, vested by the Constitution in the Congress of the United States, shall be immediately exercised is of great importance, and in deliberating upon it we shall naturally be led to weigh the attending circumstances and every probable consequence of the measures which may be proposed.

The House replied :

A consideration of those powers which have been vested in Congress over the District of Columbia will not escape our attention, nor shall we forget that in exercising these powers a regard must be had to those events which will necessarily attend the capital of America.

But, without extending these contemporaneous expressions, allow me to read an extract from an article in the Philadelphia *Herald* of the 4th of January, 1795. This article is a general review of the plan of the city, and commences as follows :

To found a city in the centre of the United States, for the purpose of making it a depository of the acts of the Union and the sanctuary of the laws which must one day rule all North America, is a grand and comprehensive idea, which has already become with propriety the object of public respect. In reflecting on the importance of the Union, and on the advantages which it secures to all the inhabitants of the United States collectively or to individuals, where is there an American who does not see, in the establishment of a Federal town, a natural means for confirming forever that valuable connection to which the nation is indebted for liberation from the British yoke? The Federal city, situated in the center of the

United States, is a temple erected to liberty, and toward this edifice will the wishes and expectations of all true friends, of every country, be necessarily directed. *The city of Washington, considered under such important points of view, could not be calculated on a small scale. Its extent, the disposition of its avenues and public squares, should all correspond with the magnitude of the object for which it was intended; and we need only cast our eyes upon the situation and plan of the city to recognize in them the comprehensive genius of the President, to whom the direction of the business has been committed by Congress.*

Here, I think, Mr. Chairman, is the absolute proof of my proposition, that contemporaneously with the location of the seat of Government it was the well-understood purpose of its founders to establish a city which was to be national, and in whose growth and prosperity the whole country was to take an interest.

This city was to be a grand civic monument—the one spot into which were to be gathered the treasures of succeeding ages and whatever might tend to strengthen the Union and combine in one patriotic bond the whole people of the nation.

#### LEGISLATION OF CONGRESS.

Prior to June 1, 1802, the government of the city was in a board of commissioners, created by the act of the 16th of July, 1790; but on May 1, 1802, an act passed abolishing the office of commissioners and providing that the affairs of the city should be thereafter under the direction of a superintendent to be appointed by the President.

The improvements of the city were made directly by the United States, and to aid in this a city fund was started from the proceeds of the sale of lots by the United States, which it was thought at the time would, by judicious management, go far toward the development of the magnificent intentions of the founders. And the act to which I have just alluded directed a sale of lots to re-enforce this city fund.

President Jefferson, January 11, 1802, in a message to Congress, says :

If indulgence for the funds can be admitted, these lots will probably form a reserve of great and permanent value.

He further says :

That if the sale is forced for the payment of Government loans he fears the whole property will be sacrificed, and the residuary interest of the city entirely lost.

I understand this residuary interest to be none other than a right to the proceeds of the sale of lots for the purpose of improving the city.

The act of March 3, 1803, fixes the salary of the Superintendent and of the Surveyor of the city, and makes appropriation for the expenses of their offices to be paid out of the city funds; but

these funds, as we have seen, arose from the proceeds of lots belonging to the United States. This same act appropriates from the Treasury of the United States \$50,000, among other things, "for keeping in repair the highway between the Capitol and other public buildings."

Up to this time the government of the city, in all its details, was directly by legislation of Congress. It was found, however, that the growing wants of this young city would require certain local municipal legislation, which it would be inconvenient always to be obliged to apply to Congress for, and the inhabitants were given a charter of incorporation. The Mayor was appointed by the President and the Council elected by the free white male tax-payers. The usual powers were conferred, except, however, that no authority was extended over the streets and avenues other than that the corporation was permitted "to keep them in repair, agreeably to the plan of the said city." This charter expired two years after its creation, and was renewed from time to time until March 5, 1820, when a charter of more extended powers was granted. Meanwhile the interests of the United States passed into the control of an officer known as the Commissioner of Public Buildings and Grounds—now the engineer in charge of public buildings and grounds.

Gradually, as the city increased in population and the Government became absorbed in the consideration of great national questions, and largely owing also to attempts to revive the question of removal of the capital, Congress seemed to have drifted away from its early policy, and left the question of local improvements entirely to the citizens. I do not find that between 1807 and 1823 the Government had expended a single dollar upon the improvements of the streets. The fund arising from the sale of lots, instead of being used for the improvement of the city, was almost entirely devoted to the erection of public buildings.

The revenues of Government in that day were small, and Congress probably found itself compelled to divert the improvement fund, throwing the burden upon private property, or leaving the realization of the early intentions as to the capital to be worked out by posterity.

That by these acts of incorporation permission was given the citizens to carry out the great work which the Government was itself obliged by every consideration of honor to do is no answer to the argument. If the Government,

when poor, could not do this work or encourage the citizens to do it, now, that the Government has grown powerful and rich and amply able to remove the burden to its own shoulders, I insist that the obligation is even stronger to do so. But I was noticing the legislation as tending to establish my proposition; and, although the Government has stood by and seen the private property of this District taxed almost to confiscation in the effort to make the city what its founders designed it should be and has scarcely lent a helping hand, still its legislation nowhere denies its obligations, but, on the contrary, whenever any has been passed it has been in recognition of the theory I am endeavoring to establish.

In the charter of 1820 the Commissioner of Public Buildings is directed—

To reimburse to the said corporation a just proportion of any expense which may hereafter be incurred in laying open, paving, or otherwise improving any of the streets or avenues in front of, &c., any of the public squares or reservations, \* \* \* out of any moneys arising from the sale of lots in the city of Washington belonging to the United States.

A similar provision was in the act of May, 1826, and the act of 1848, and there was in this last act a still stronger recognition of the duty of the Government. The twelfth section provides that the Commissioner of Public Buildings shall—

From time to time cause to be opened and improved such avenues and streets, or parts or portions thereof, as the President of the United States shall deem necessary for the public convenience, and he shall defray the expenses thereof out of any money arising, or which shall have arisen, from the sale of lots in the city of Washington belonging, or which may have belonged, to the United States.

The act also directs the Commissioner to keep in repair certain pavements, gutters, footways, &c., around the public squares, reservations, and other property of the Government. Here we have a full recognition of the obligations of Government, but unfortunately the fund mentioned had disappeared, mainly on the public buildings, and by the improvident disposition of the lots had diminished by millions of dollars, so that practically this liberal provision of Congress did little toward its object.

In this review let me return a moment to the action of the Twenty-third Congress.

The city had made such efforts to improve its condition and do the work which the Government had assumed in the beginning that it had incurred an indebtedness of nearly \$2,000,000. Its resources had become so exhausted and its burden so great that it was compelled to appeal to Congress for aid. Its Holland creditors were threatening to

foreclose on the property, and, as was said in the debates in the Senate on the subject by one of the Senators, "the capital of the nation was about to be sold out to the Dutch." Up to this time the total expenditures of the Government for the improvement of the streets was \$208,925 67½, all of which, with the exception of about \$10,000, was for the improvement of Pennsylvania avenue and the streets immediately around and adjoining the Capitol and President's Square. Throughout the whole city the Government had expended, with this exception, for its improvement, up to December, 1834, only about \$10,000, while it had received from the sale of lots about \$750,000. The neglect of Government to carry out its plighted faith, and the extraordinary efforts of the city to discharge the obligations of Government, attracted the attention of Congress at that time, and the subject was thoroughly examined and reported upon to the Senate February 2, 1835.

The report of the committee, Mr. Southard, chairman, goes quite fully into the relations existing between the capital and the Government.

As Congress sanctioned the report of the committee in the highest possible form, by coming to the relief of the city, the positions assumed by Mr. Southard may be regarded as giving the legislative expression of the Congress of that day, and we may well consider what some of these views were. Mr. Southard says that in improving the streets the city authorities "have been misled into expenditures which did not properly belong to them," although, he adds, "the views by which they were governed were of a liberal and public-spirited character." He refers to the unusual magnitude and extent of the city; the great width of the avenues and streets; the creation of the city in that short space of time, and the pressure for public improvements being sudden; that the population is but twenty thousand, more than half of which are people of color and temporary residents, contributing nothing to the city revenue; that, in addition to the large expenditures made from the city treasury for improvement of streets, the citizens have been compelled to create their market-houses, infirmaries, water privileges, lamps, fire-engines and houses, and pay their police, and the like expenses, and adds:

The committee are of the opinion that the Government was bound by every principle of equal right and justice to pay a proportion of the expenses incurred upon this subject equal to the amount of property which it held, and which was to be increased in value and benefited by it, and this would have been greatly

more than one-half. If the streets are its property, and to be regarded as altogether under its control, it is not easy to perceive why it should call upon or permit others to keep that property in order; and if the streets are to be regarded as for the joint convenience of the Government and the inhabitants, the expenses of maintaining them should be joint, and in proportion to their respective interests; and that the early action of the Government was in conformity to this principle.

The committee notice also that the immense property of the Government, which has been equally benefited by improvement, has been at all times free from taxation, while the property of individuals adjoining it has been subject thereto; that in several States of the Union where the Government holds landed estate it has paid taxes upon it, and those taxes have been expended for the ordinary municipal purposes of the place where the same is situated. The hardship to private property-holders in exemption of Government property from taxation is strikingly illustrated when we remember that the Government has been the owner of lots held for sale ever since the capital was located here, and yet these lots, not reserved for public use, but held by the Government for speculation, have paid no taxes. The committee conclude their report as follows:

In the investigation of the subject committed to them, and of the relief to be proposed, the committee have been unable to separate the interests of the District from the interests of the United States. They regard it as the child of the Union, as the creation of the Union for its own purposes; that the design of the Constitution and its founders was to create a residence for the Government, where they should have absolute and unlimited control, which should be regulated and governed by them without the interference of partial interests in the States—which should be built up and sustained by their authority and resources, not dependent upon the will or resources of any State or local interest.

If this had not been the design, a temporary or permanent seat of government would have been selected in some populous city, or some Territory, subject to State jurisdiction; and, if this was the design, it is not easy to comprehend either the principle which would prevent the Government from a liberal appropriation of the national resources to accomplish the object, or the policy which could confine the city to the means possessed by the inhabitants for its improvement.

This report is important in many particulars, but more than all in this one, to wit: that it forms the connecting link between the present period and the Revolutionary period, and embodies at once the record evidence as well as the tradition and common understanding and belief of the founders of the Republic and those who immediately succeeded them. I believe that upon this evidence any court would convict the United States of a palpable and gross violation of its original purpose in founding this

capital city; and the subsequent Congressional history as touching this subject confirms the fact, that while in theory this principle has always been acknowledged, in practice it has been almost entirely ignored. But an examination of this legislative history will show that at different periods absorbing subjects have drawn the public mind away from the capital as a national object, but it has been one of the results of the recent war that public attention has returned again to this city. An examination of the statutes will show that more than four times as much money has been appropriated by the Forty-first and Forty-second Congresses for improvements in the city as during the previous seventy years. But I can not longer dwell upon this branch of my subject.

I think if any question is susceptible of demonstration not mathematical, yet absolutely certain, the one which I started out to prove may now be placed in that category. I have shown the history of the location of the capital, the purpose of its founders, and the obligations of the United States in relation to it. I have now to notice what has actually been done by Government, what has been done by the municipal authorities, and what it is the duty of the national Government still to do.

#### SOME ERRORS CORRECTED.

A common error prevails over the whole country that the United States at this time pays all the expense of the government of the District of Columbia and the improvements at the capital. Within a week I have been asked by persons high in official position if the United States did not pay for our recent improvements.

Now, Mr. Chairman, I propose to lay bare the short-comings of Government, and place its neglect side by side with the efforts made by private citizens. We are set down as a miserable community of paupers and beggars, hanging on the skirts of Congress for sustenance, whereas the truth is, the United States for the past seventy years have kept this people down in a condition of vassalage, squeezing the last possible penny out of them to carry on the very work which the founders of the capital had pledged their faith should be done by the United States.

The United States have stood by and have seen their capital become a by-word and scoffing throughout the civilized world. They have seen the shafts of scorn and contempt and satire pointed toward it without making a single creditable effort to avert them.

Not only this, but they have themselves largely contributed to the condition of things which, until within a few years, made us a just object of contempt.

We shall find in this examination of what has been done and left undone a striking evidence of the utter want of unity of purpose and design on the part of the Government in its exercise of control over this District.

For thirty years it did little more than hew out some paths to the public buildings, and stake off the streets and avenues for the people of the District to improve, the exact amount expended by Government in this period being \$20,000—less than \$700 a year.

Who can defend this miserable parsimony, and who can justify the conduct of the Government in this trifling with a great public duty imposed upon it by the founders of the capital, especially when it is remembered that during the same period it had realized \$700,000 from the improvident sale of lots—funds which had been pledged for the benefit of improvements?

Look at your superb Capitol building. There has never been a moment since it was erected when its surroundings would compare favorably with a New England barn-yard. Twelve million dollars in this marble pile, of grand promise without and disappointment within, but surrounded worse than a Western courthouse. It only lacks a horse-block and hitching-rack to make it perfectly primitive and rural.

Look at the original plan of the city, which drew forth eulogiums from all quarters of the globe, and which occupied many of the best hours of many early patriots, and see how it has been hacked and defaced.

With no common feeling of pride in the capital pervading the country, and thus through the people reaching Congress, and with no one to protect against encroachments upon the idea which found expression in the original plan, the surprise is rather that we have a city left at all of sufficient proportions and form to elicit the admiration of any one.

It has been charged also that we are here not only supported by Government, but that we are an unproductive, thriftless community, drawing from and giving back nothing to Government. When we ask aid, the question is treated from a local stand-point and not a national one, and appropriations are always heralded as so much money given to the people of the District; whereas every dollar expended here by Government is

more closely brought home to every citizen of the country than an appropriation in any form that can be named. This is the only spot common to the whole people on the face of our vast empire, where the humblest citizen can come and claim he is in the midst of his own, and where he feels he has a personal pecuniary interest in everything he beholds.

But, sir, I will not allow the impression to go uncontradicted that we feed upon and do not nourish Government. The truth will show that these District barnacles and leeches are the most remarkable of their genus.

The report of the Commissioner of the Internal Revenue Bureau for 1873 shows (page 153) that the District of Columbia, since 1863, has paid, exclusive of tax on income, into the United States Treasury, \$4,695,119 94—more than all the other Territories combined; more than Arkansas, Florida, Kansas, Minnesota, Nebraska, Nevada, or Oregon; and *more than the expenditures of the United States for improvement of the capital since its foundation*. In ten years this tax-burdened District has more than reimbursed the Government for every dollar laid out here for the common benefit of its own and private property.

Need I stop to apply these facts to remove the false impression I am combating?

It would seem to the natural vision that these leeches and barnacles would be profitable to Government if the species could be propagated and sent into some of the States.

Mr. Chairman, this city belongs to the United States. It can not be wiped out without giving a vital blow to the Government. It can not be trampled under foot without visiting a wrong upon every man, woman, and child in the nation. It can not be longer ignored without humiliation and shame. A combination of events has brought the duty of Congress prominently before the country, and members must reach some conclusion, and it must be one they can defend before the world.

I have read the press closely since we have been placed in the crucible, and I say that even the papers most unfair and prejudiced against the *personnel* of our local government and its management take a high patriotic stand when speaking of the duty of Congress. I have yet to find a paper which advocates the narrow view that the United States shall do nothing toward improving and beautifying the nation's capital, especially as the Government owns half the real estate and possesses absolute proprietary control over every street, ave-

nue, alley, square, park, and reservation in it. Even Mr. Dana's *Sun*, whose columns pour red-hot lava upon the heads of our officers daily, has never suggested that Congress should stand by and see our people taxed out of their homes to improve Government property, but, on the contrary, has urged just what I urge, that it is the duty of Congress to contribute its just proportion of the municipal expense.

I appeal to every member of this House whose constituents have visited this city within the last year whether they have not gone home believing it to be the duty of Government to aid in making Washington the pride of the nation; and I appeal to him also to tell me whether he has not blushed with shame when obliged to tell them how little the United States have done to place the capital where it now is.

Why, sir, France expended \$15,000,000 to open the Boulevard Sebastopol in Paris, and yet we must plead as for a charity when we ask this rich people to make a just, fixed, and certain appropriation annually to carry on improvements in which the whole country is interested.

I confess, Mr. Chairman, I weary of this contest year after year to obtain simple justice for the District of Columbia. I weary of the indifference of Congress to the plighted faith of the nation. I weary of the abject dependence of this community and the position of obsequiousness which their agent must submit to lest he offend some congressional propriety or step on some congressional toe. I weary of combating the assumption that the District of Columbia has no rights which Congressmen are bound to respect; and I would turn hopelessly away from these halls if I did not see around me Republicans and Democrats who will never willingly see Congress fasten upon this people a perpetual bondage as the result of their unexampled efforts to redeem the nation's capital from disgrace.

No, Mr. Chairman, it is a broader question we are discussing than mere aid to a community; it is whether the plans and purposes of the early fathers shall be carried out and the country's faith be kept; it is whether you shall have here the finest public buildings in the world, and shall hold half of the soil in reservations, and all the streets and avenues in fee, and yet do nothing to light your city, to pave its streets, to protect your houses and Departments from fire and from robbers, to secure proper sanitary protection—in short, whether you will adopt a wise, patriotic, consist-

ent, and well-defined policy toward the capital, and will act with some reference to the common pride in it which all intelligent Americans feel.

#### STATEMENT OF THE ACCOUNT.

Now, Mr. Chairman, let me endeavor to present to the House the exact expenditures of the general and local government in the District of Columbia for improvements, such as we think should be shared by both governments in some just proportion.

I have obtained from the Treasury Department a statement of the expenditures of the General Government since 1800, and it is of such value in this discussion that I shall spread it at length before the House and the country. It gives the amount, as shown by vouchers in the Treasury Department, expended by Government upon streets and avenues in the way of improvements. I shall omit the description of the purpose for which the appropriation is made, remarking generally that the items cover pavements, sewers, sidewalks, bridges in the city on canal and Tiber Creek, grading, &c.

#### STATEMENT OF EXPENDITURES ON ACCOUNT OF IMPROVEMENTS OF AVENUES AND STREETS IN THE CITY OF WASHINGTON FROM 1800 TO 1871, INCLUSIVE.

1800.....	\$10,000 00
1821.....	5,000 00
1824.....	5,000 00
1832.....	60,000 00
1833.....	76 68 00
1834.....	9,233 70
1838.....	2,280 00
1842.....	12,000 00
1843.....	3,933 26
1846.....	10,000 00
1848.....	16,000 00
1849.....	3,754 11
1850.....	26 20 50
1851.....	44 845 64
1852.....	36,277 33
1853.....	15,829 37
1854.....	36,933 77
1855.....	17,666 69
1856.....	7,229 58
1857.....	17,500 00
1858.....	15,000 00
1859.....	6,550 00
1860.....	3,000 00
1861.....	13,518 87
1862.....	3,300 00
1863.....	11,846 13
1864.....	13,223 66
1865.....	8,926 58
1866.....	56,841 88
1867.....	72,973 69
1868.....	20,100 00
1869.....	321,575 00
1870.....	2,051 76
1871.....	10,000 00

Total.....1,002,785 52

In 1832-'33 Congress had an improvement spasm, and expended in laying a cobble-stone pavement on Pennsylvania avenue \$136,680; and, having thus secured a communication between the President's House and the Capitol, relapsed into its usual indifference, and

for the next thirty years did comparatively nothing.

In 1869 the wooden-pavement period began here, by a compulsory law of Congress, requiring owners of property abutting on Pennsylvania avenue to pave it with that costly material. To this forerunner of the new era for Washington Congress contributed \$321,575. The appropriation for 1870, immediately following this, was \$2,051 76, and strikingly illustrates the utter lack of a policy toward the District, or any comprehension of its needs.

Then came the new District government and the Forty-second Congress, and with them a regeneration of the capital.

Since George Washington consecrated the seat of Government, and John Adams baptized it in the name of the patriot fathers, no Congress has shown anything like the intelligent, practical, and patriotic devotion to the nation's capital exhibited by the Forty-second Congress. It placed to the credit of the improvement fund \$3,597,801 18—more than three times the amount voted by the forty-one preceding Congresses, while the citizens submitted their property and purses cheerfully to the awful demand of the Board of Public Works, and gave in two years \$11,175,978 76, which, added to previous expenditures of the District—\$9,199,431 94—makes the appalling sum of \$20,375,410 70!

Now, compare the two governments, local and national. The former has expended an average since 1800 of more than six times the amount expended by the latter.

There never has been a time when the interest of Government here was not equal to that of the private property-holders, even if we look at the question in its narrowest form. The account, therefore, at this point would stand thus:

Expended by District of Columbia.....	\$20 375,410 70
Expended by Government.....	4,000,586 70
	15,774,824 00

To reimburse District of Columbia excess of expenditures one-half of difference.....7,887,412 00

To make the account square, Congress should appropriate this sum.

This is the exact statement of the account between the national and local governments at this time in the matter of improvements of streets and avenues, including the system of sewers.

The expenditures of the national Government I have upon the authority of the Secretary of the Treasury; and the expenditures of the local government

upon the authority of the Governor of the District, in his return to the present committee of investigation, printed page 461.

To further illustrate the share which Government has borne of the ordinary necessary expenses of the city, let me notice some of the branches of the local service separately. I have heretofore claimed that the United States should bear at least half of the municipal expenses of the District of Columbia. I do this upon the evidence which is to be found throughout the whole period of our history, that the interest of the General Government has always been regarded as at least half of that of the local government. It was so treated by Congress in 1835. (See report of Senator Southard, February 2, 1835.) It was so treated in 1858. (See report of Senator Brown, May 15, 1858.) And the recent careful valuation confirms this apportionment. (See Governor Shepherd's answer, pages 461, 462.)

When the founders laid off this capital city they must have contemplated that at some time, besides paved streets and sewers, it would need a police force; a supply of water; means for lighting the streets; a board of health officers for sanitary protection; a fire department; a system of common schools; and, in short, the usual requisites for securing health and protection common to great cities. They saw that while these were wants of any city, they would, from the nature of the plan of this one, be greatly augmented, and much more than ordinarily expensive. The broad streets and avenues, and the frequently recurring public squares and parks, necessarily contemplated a city here whose inhabitants would be widely scattered over the area.

To protect such a community by proper police, by fire department, sewers, gas, and the other comforts of city life, it would necessarily be more expensive to the inhabitants than in those densely crowded cities where the same facilities would reach a much larger number at the same cost. And we have here another reason for concluding that the original purpose was to hold the Government responsible, in part at least, for securing these necessary privileges.

I propose briefly, in this connection, to present to the committee, as near as I am able, from data which I have procured from officers of the Government and from Federal records, precisely what the local and what the national Government has done in this regard.

#### POLICE.

On the 23d of August, 1842, an act of

Congress was approved organizing the police force known as the "Auxiliary Guard."

Previous to this that service had been performed by constables, whose compensation was derived from fees. The Auxiliary Guard was paid exclusively by the General Government, and was increased from time to time by acts of Congress, until August, 1861, when the present Metropolitan police was substituted; and for the better protection of the interests of Government the United States assumed entire police control within the District.

For three years, to June 30, 1864, this force was paid exclusively by the United States, when by an act of Congress the number of employees of the Board of Police was increased 50 per cent., but the act required the local authorities of the District to pay for this increase.

On the 11th of March, 1851, the corporation of Washington organized a salaried police force, consisting of fifteen men, and in 1858 increased the number to twenty-five. This was the first and only police force organized by the local authorities, and continued until the organization of the Metropolitan police. The chief of this department, Major Richards, informs me that by an approximate estimate, which he has been able to make from official records, he finds that the United States have paid for police service in the District, since August 23, 1842, to the expiration of the present fiscal year, about \$2,400,000. The cost of the police force to the local authorities since March 11, 1851, has been about \$1,148,643 33. Here we have the highest recognition of the duty of Government to aid in the payment of municipal expenses. Here the obligation is fully acknowledged and fully discharged; but while the wisdom and justice of it must be admitted, it will seem strange to members that this is the only department of the local government adequately sustained, and, with one or two exceptions, the only department in the least assisted.

#### WATER DEPARTMENT.

March 3, 1859, Congress enacted a law for the preservation of the works constructed by the United States for bringing the Potomac water into the cities of Washington and Georgetown, for supplying the water for all Government purposes, and for the use and benefit of the inhabitants of said cities.

The act extended to Washington and Georgetown the right to supply their inhabitants with Potomac water from the aqueduct mains, and to make laws and regulations for its distribution, sub-

ject to the restrictions of the act of Congress, and it was specially provided that *no expense should devolve upon the United States in consequence of this distribution*; and the act further provides that *whenver the supply of water is found no more than adequate to meet the wants of the General Government, the engineer in charge of the water-works shall stop the supply to the said cities*. The same act authorized the corporations to fix the water rates, and provided that they should *never be a source of revenue, other than sufficient to provide a supply of water*.

A later act of Congress authorized the corporations to levy a tax to pay for mains which they might lay for the supply of the inhabitants.

But I am informed by the Water Registrar of the District, Colonel Luby, that the revenues derived from water rents have barely met the outlay.

Here we find that the supply of water brought to the city at the expense in the first instance of the General Government was done for their sole use; and although afterward it was ascertained that the supply was ample for the use of the Government and the inhabitants, and the corporations were allowed to avail themselves of it, Congress nevertheless reserved the exclusive control over the right to the water as against the inhabitants.

The United States have expended upon the water-works about \$3,500,000, while the inhabitants of the District, in laying mains, the erection of fire-plugs, hydrants, &c., have expended about \$1,500,000. The daily consumption of water in both cities is eighteen million gallons, of which it is estimated that the Departments of Government use and waste fully one-half. No more important or useful improvement has been undertaken by Government. The result has been to bring an inexhaustible supply of water to the capital at a cost of three and a half millions. This is certainly gratifying when it is remembered that the city of Baltimore expended for a like purpose over four millions; Boston twelve millions; Brooklyn twelve millions; Philadelphia six millions; and New York city over twenty millions.

#### GAS.

The Washington Gas-light Company was chartered in 1848, and since the use of gas here the United States has paid for lighting streets and avenues \$272,340 40. The corporation of Washington and the Board of Public Works have paid \$415,087 29. The gas was introduced into Georgetown in February, 1854. The corporation paid for gas supplied to 175 lamps, from 1857 to 1866, \$38,965 30.

During that period the United States<sup>s</sup> caused to be erected 115 lamps on Bridge and High streets, and paid for gas to supply the same, \$34,650 45, but refused after 1866 to light them longer. The corporation thereafter paid the expense to 1871, amounting to \$28,991 50, after which the territorial government increased the number of lamps, and paid up to July 1, 1873, \$21,698 40. Total paid in Georgetown by local authorities, \$85,340 35. Total paid by the United States in Georgetown, \$38,465 30. Formerly, and until a recent period, the United States paid for lighting their squares and the lamps around them, Pennsylvania avenue, and other streets, but these are all now lighted by the District Government. With the exception of 103 lamps at the President's house and around the Capitol building, every lamp in the District is paid for by the District Government. In 1868 the General Government refused to light Four-and-a-half, Sixth, and Twelfth streets, across the Mall, and in 1870 refused to light the avenues, and in 1872 refused to light the streets bordering upon the public squares, and in 1873 ceased to light inside of the squares. At one time the Government paid for 715 lamps, and now but for 103, while the District is paying for 3,130, at an annual cost of about \$150,000.

I need not speak of the uses of gas, or of its indispensability, both to the Government and to the city. All must concede this, when it is remembered that not only the comfort of those here in the service of the Government demands the use of it, but the safety of the Government buildings and Government interests generally make its use indispensable; and yet substantially the whole burden is now thrown upon the citizens.

#### HEALTH DEPARTMENT.

No one can deny that a sanitary and health department is of equal importance to the general as well as the local government.

The United States are morally responsible for securing to their servants at the capital, not only every proper and needed comfort, but protection against disease so far as it is possible. The United States are also responsible for securing the protection and health and comfort of foreign ministers resident at the capital; and these two interests, mentioning no other, are always large and increasing; but until the last Congress made an appropriation I have been unable to discover any expenditure on the part of the General Government to support our health department.

I have not been able to ascertain what

the local government expended prior to our organic act. Our present very efficient Board of Health is a department of the General Government.

Congress has appropriated for its uses...\$69,000  
The District government has appropriated..... 83,000

#### FIRE DEPARTMENT.

Many years ago Congress made a small appropriation for erecting an engine-house in the western part of the city, and later a similar appropriation for the engine-house of the Columbia Fire Company, near the Capitol.

During the rebellion the United States maintained at the capital what was known as the Government fire brigade, composed of three steam fire-engine companies; but it was independent and separate from the city fire department, and was kept with reference more particularly to the protection of Government property. They remained here five years, but the brigade was disbanded in 1869, and the engines sent away from the city.

The present city fire department was organized in 1865, and has cost the city of Washington, since its organization to the present time, \$605,000. At least two more engines are very much needed. With more valuable interests to protect than any city in the country, and with a larger area in proportion to the population, we have a smaller fire department than any city in the Union of our population. In this department the United States has taken no interest whatever, and contributes to it absolutely nothing; and yet the scattered records of the Government in all parts of the city, exposed daily to fire, are of incalculable value.

#### PUBLIC SCHOOLS.

From an early day efforts have been made to attract the attention of Congress to the importance of sustaining here at the capital a common-school system. When the Government entered upon its land-grant policy in aid of education efforts were made to obtain a grant for this District, and I believe the Senate passed a bill for that purpose, but it failed in the House.

The atmosphere of Washington in those days was not favorable to common schools; and, besides, the District then, as now, was looked upon as of little consequence, and by its very abject attitude toward the Government inspired contempt rather than interest or pride.

Public schools dragged along without any assistance from Government, and in 1861 cost the city \$26,000.

With the war came a vigorous growth in population, mainly from the North. Finding no free schools here worthy the

name, they united their efforts with the local authorities and enlarged the school facilities, and increased the school fund, so that I find that during the three years commencing 1870 the total expenditures for this purpose reached the sum of \$1,095,000. With absolutely no school property worth mentioning in 1861, we now own real estate amounting to over \$1,000,000.

In 1861 the number of pupils attending public schools could not have exceeded 4,500, and included no persons of color. Since 1863 the city of Washington has extended facilities to this class of children, so that there are four thousand colored pupils on the rolls now. Besides paying the current expenses of their schools, permanent building sites have been purchased, and school-buildings have been erected for them to the value of \$250,000.

While I can not go into this subject fully, but must refer to the argument addressed to the Forty-second Congress, to be found in the *Globe* of January 27, 1872, I will be pardoned for pointing out a few of the reasons why the General Government should aid our public schools. I think no one will question that we have done all in our power to make the school facilities adequate to the needs of the community, and yet the startling fact remains that there are in the city of Washington of school age 25,935 persons, while there are seats provided for only 11,910, leaving 14,025 persons without the benefit of public schools. Of this number 6,759 are reported by the Commissioner of Education as pupils in private schools, leaving 7,266 absolutely destitute of all school privileges.

Why should the Government assist in educating these children? I answer—

First. That the superintendent of schools reports that upon an examination he finds only 26.82 per cent. of parents or guardians of pupils are taxpayers; or, in other words, 73.18 of the parents whose children who attend school pay no taxes. I am aware that generally a considerable per centage of parents whose children attend public schools do not pay taxes, but the per centage here is so unusually large as to challenge attention, but I think that when the reason for it is known a strong argument will be discovered in favor of Government aid.

Secondly. In the report of the superintendent for 1872-'73 a table is given, from which I find that of the children attending public schools in the city 3,037 were the children of parents in Government employment, or 30.79 per cent. Some of these persons pay taxes, but a

comparatively small number. Usually they have no income but their salary, and the uncertain tenure of office deters them from investing in real estate.

Thirdly. From the same report I find that 32.46 per cent. of the school population are colored, and an examination of the United States census will show that this large proportion is due to the results of political causes rather than to any economic or social laws. Most of them were invited here by the laws of Congress which first gave them freedom, and next the ballot, and where they have felt peculiarly under the protection of the Government, and they now number about one-third of the whole population. From no fault of their own, but rather by reason of their peculiar condition—due to the laws of the country—they are unable to assist very materially in supporting the common-school system.

These two classes which I have named have a right to demand of the General Government some provision for school advantages.

Education here should be free as air, and the District government will never discriminate against any one class, but it will continue to demand of Congress some assistance in this direction. The embarrassment to the District government which we find running through its whole system is here felt even more than elsewhere, to wit: that so large a portion of the property of the District is exempt from taxation.

The United States have no right to expect, and ought not to expect, to retain the services of honest, faithful public servants at low salaries, and force them to live at a place where they will have none of the comforts or necessities of life, or the privileges which will enable them to rear their families properly. Nor have the United States any right, moral or other, to hold out special inducements to any class of our fellow-citizens, inviting them to take up their residence under the shadow and protection of Government at its capital, and cast the whole burden of taxation to furnish these persons with educational advantages and privileges upon the private citizens.

But aside from these special considerations, the policy of the Government, long established, should control its action in this matter. It has already given in aid of public schools nearly one hundred million acres of public lands. Over thirty-four and one-half million have gone to the other Territories. We have a greater school population than some of those Territories ever can have.

Besides this magnificent land grant, other special and valuable assistance has been extended to the States and Territories in aid of education.

At one time \$37,000,000, the proceeds of public lands, were distributed to the States, and much of it for the benefit of public education. It can not be that the District of Columbia was excluded because it has contributed nothing to the support of Government; for an examination will show that this District has paid into the Internal Revenue Bureau since its organization, as I have shown, more than all the other Territories combined, and more than several of the States that might be named. I am utterly at a loss to discover any reason for refusing aid, while there are many that must appear convincing why the Government should aid this important work.

I have been unable to ascertain the cost of public schools prior to 1860, but since that time to the present the total expense has been \$2,168,000. The Government has not paid one penny, and its donation of a lot, formerly General Jackson's stable-lot, made some years ago, did not exceed in value \$1,000.

#### ACCOUNT—SECOND STATEMENT.

I have thus, Mr. Chairman, gone over about all the expenses which enter into the local government, and I will again state the account with the United States, as affected by the items just mentioned:

Expended by old corporations and the new government for improvements since 1800.....	\$20,375,410 70
Expended by same for police department.....	1,148,643 33
Expended by same for water department.....	1,500,000 00
Expended by same for gas department.....	415,087 29
Expended by same for health department.....	83,000 00
Expended by same for fire department.....	605,000 00
Expended by same for public schools, (since 1860).....	2,168,000 00
<b>Total expended by local government.....</b>	<b>26,295,141 32</b>
Expended by General Government for improvements since 1800.....	\$4,600,586 70
Expended by same for police department.....	2,400,000 00
Expended by same for water department.....	3,500,000 00
Expended by same for gas department.....	272,340 00
Expended by same for health department.....	63,000 00
Expended by same for fire department.....	.....
Expended by same for public schools.....	.....
<b>Total expended by General Government.....</b>	<b>10,841,926 70</b>

## ACCOUNT—THIRD STATEMENT.

I know, Mr. Chairman, it is claimed that our citizens enjoy the public parks and reservations in common with Government, and that we should make some allowance for the amount expended heretofore exclusively by Government upon these public grounds. I suppose, however, that no one would insist that the citizens should share the expense of the grounds immediately connected with the Departments, the Capitol, and President's House. But, to leave no room for cavil, I have procured from General Babcock a statement of appropriations made by acts of Congress for the improvements in the parks, reservations, and grounds around the public buildings since December, 1834. Prior to that time I have ascertained the expenditures for this purpose from the report of the Commissioner of Public Buildings and Grounds, appended to Senator Southard's report of February 2, 1835.

General Babcock's report to me is a tabular statement of the date of the acts of Congress, the amount of the appropriations, and for what purpose made. It is of too great length to embody in my remarks, but I will give the results. It covers expenditures on the Capitol grounds, at the President's House and grounds, the grounds of all the different Departments, and, in short, everything but the public buildings themselves. It includes the Mall and reservations generally, and the small triangular squares at street intersections, and also the salaries of officers, amounting to nearly \$150,000.

With this explanation I will restate the account from the balance shown in second statement already given:

Grand total expended by District government for all purposes.....	\$26,295,141 32
Total expended by the General Government, as shown in second statement, for municipal expenses, streets, &c.,.....	\$10,841,925 70
Total expended by Government around public buildings, and on squares, parks, &c., to December 23, 1834.....	49,119 00
Total expended on public grounds, parks, Capitol, and President's House, Smithsonian, and grounds around the Departments, as per General Babcock's report, since 1834.....	1,978,318 09
Grand total of Government expenditures.....	12,869,363 79
Difference between expenditures	

of the United States and the District of Columbia, in favor of latter.....	13,425,777 53
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Necessary to reimburse the District of Columbia, being one-half the difference.....	6,712,888 76
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I should observe that some items of the expenditures given by the Treasury Department as improvements of streets are also included in General Babcock's statement as improvements of squares, parks, &c., and really increase the credit side of the account of the Government; but I have not separated them, as it involved an examination of vouchers for which I had not the time to devote. The amount will not exceed \$100,000 probably, and may fall below it. I must also observe that I have given the District government no credit for its expenditures on account of salaries of officers and employees other than those connected with the Board of Public Works. Still, Mr. Chairman, it will be seen that, after allowing the United States credit for every cent it has expended which in the remotest degree has contributed to the joint benefit of the local and General Governments, we find the United States indebted to the District of Columbia in the sum of \$6,712,888 76.

If I am right in my assumption, and I think that the closest calculation will not materially change it, the United States should reimburse the District its excess of one-half the expenditures here for the common good. I am brought to the statement of the first duty of Congress, namely, to appropriate money sufficient to make this reimbursement.

If we were trying this case on a bill in equity there would be a large item of interest properly chargeable to the United States on account of the advances made by the District government. There would also be another large item in the proceeds of sale of lots, and interest upon the amount. These, if considered, would more than double the balance which I have shown to be due.

But we seek to drive no hard bargain with the United States, and would not even ask reimbursement if we had a business interest, manufactures, trade, commerce, or revenues, to which we could look in the immediate or remote future for reimbursement.

But, sir, if we have any rights which can be enforced by an appeal to a sense of common justice, to a sense of national honor and fair dealing, I must believe that this first duty which I have pointed out will sooner or later be discharged.

Our statute-books are filled with precedents for reimbursements to the

States upon precisely the same principle as that involved in this claim. I would not pretend to give the number of millions of dollars which have been appropriated by Congress to refund to States moneys which they had paid out for the common benefit of the whole people.

The second and imperative duty of Congress is to devise an intelligent apportionment of the expenditures at the seat of government.

It is not of half so much importance that large appropriations should occasionally be made as that there should be a fixed and definite sum appropriated annually, which shall be disbursed with reference to an intelligent and wise development of the extraordinarily beautiful plan of our capital city. An appropriation annually by Government, which would not exceed five cents *per capita* of the whole population of the United States, together with local taxation, would sustain a fund sufficient in twenty years—yes, even in ten years—to make here a city unparalleled for its beauty.

There is no city in the Old World of which I have any knowledge that can compare for a moment with ours in the magnificence and grandeur of its plan. In all London there is not a street or avenue, after leaving the public parks, over which there is the least pleasure to drive. Almost the same thing may be said of Paris, with the exception of two or three boulevards and the Champs Elysees. Under den Linden, of Berlin, is paved with Belgian pavement, with surface drainage through its gutters, a rough, unkempt, untidy, and disagreeable street, and one must go beyond the western gate for a pleasure drive. The Ring Strasse of Vienna is a broad macadam avenue encircling a busy hive of active industries, whose devotees are crossing and recrossing and traversing this busy thoroughfare, rendering a pleasure drive upon it next to impossible; and here, as in Berlin, for air and refreshing recreation, the inhabitants are driven beyond the confines of the city. So of Brussels; so of Munich; so of Rome; so of Naples, except, perhaps, a portion of Chiaï; so of Florence, except its suburban drives.

But here, when the bordering grass of our broad avenues and streets shall have become a mat of green, and our many varieties of beautiful forest trees shall lift their heads aloft and throw their grateful shade over lawn and pavement, the beautiful vistas which will be opened up, the superb works of architecture, which in our public buildings surpass anything in the world of their kind, breaking in picturesque variety the view,

with the lovely spring and autumn skies which overspread us for half the year, will make Washington city what its founders promised for it.

True, the capital cities of the Old World have their splendid monuments and works of art, old and time-honored, and splendid private mansions, that are a delight to behold; but seen, and known, and familiar with, one must go beyond all these for that rest and recreation which of all things, to the thoughtful, over-tasked mind, is indispensable.

Monuments, statues, and works of art will come to us in time; they are the result of many years; they will add a charm to the capital; but whether we ever have these or not, nothing can prevent this city from being the most delightful on either continent, if Government will only extend to it that fostering care which its founders promised.

Your ten thousand, and rapidly increasing number, of overworked, brain-weary public servants will have only to step from their offices or their homes into the open street to be in the midst of repose and quiet, and in the grateful presence of lawn and forest. The wisdom of our patriot fathers, who secured our public servants from the close, hot, and feverish atmosphere of a crowded, dense city of strife and panic and money-getting, and placed them with quiet and rural surroundings, is being vindicated day by day, as the growing wants of Government invite here the best blood of the nation to assist in its management.

What even small appropriations will accomplish when regularly made is so favorably exemplified by the present engineer in charge of public buildings and grounds that I point to his work as a complete demonstration of the wisdom of this course. He has made the desert smile and the waste places blossom, and yet his expenditure has not been felt. A similar policy pursued toward improvements outside the parks and reservations, added to local effort, will repay the outlay a thousand times.

Nothing can be more clear, upon even a cursory view of the local government and its relations to the parent Government, than that the United States have never acted upon any well-defined theory, or with any consistency or unity; that while it has been just—indeed, almost generous—in certain directions, it has been parsimonious and mean in others; that its policy has been fitful and vacillating and uncertain, and calculated to keep the citizens of the District government in the most deplorable and abject condition.

What is needed above all things here is a consistent, well-defined policy on the part of Congress in the support of this District government. I think the local government has the right to ask that a proper balance-sheet should be struck between the United States and the District of Columbia.

The United States should have credit for its expenditures on behalf of improvements in the District of Columbia, and generally its aid in maintaining the local government, excluding, of course, those appropriations which are made to all the Territories or States. The District government should have credit for all its expenditures of like character. The United States should then appropriate a sufficient sum to meet its just proportion of the difference in favor of the District of Columbia. And there should then be determined a fair and just proportion of future expenditures to be borne by the United States and by the District of Columbia.

I have no special theory or choice as to how this common fund—the appropriations made by Government, and the revenues derived by taxes upon the private property—shall be managed or disbursed.

I believe, however, that a more inexpensive form of local government can be devised than the present one; but as the property of private citizens and the interest of private citizens are equally involved with those of the Government, I believe that in any form which may be finally adopted the people should have a just representation. I do not believe that the general principle which underlies our theory of government ought to be violated, because of any peculiar political relations which this District sustains to the General Government.

I believe the people here are as competent to determine what is to their interest as the people of any other community; and as our theory of government submits that question to a vote of the people in all communities, and has done so in this for seventy years, I can not give my consent to see this principle violated.

The large interest of Government here I concede can have no other representation than that provided by Congress, and Congress must judge as to the best means for protecting its interests.

I shall quarrel over no form Congress may prescribe. Give us some guarantee that the Government will henceforth do its duty, and will lift some of the burdens under which we are groaning, and we will cheerfully trust the wisdom of Congress to provide a just government

for the District. Our interests are common. We who have chosen this city for our homes will never be found wanting in devotion to it as the nation's capital. I point with pride to the efforts of our citizens, in former years and especially under the new government, as proof of what we shall always stand ready to do.

The monuments of this devotion are seen on every hand. Ingratitude, envy, and hate of the hour may blur the vision of some, and shut out all generous and patriotic emotions from the hearts of others, but the work of the last two years will vindicate itself, and the prominent persons in this era of Washington's regeneration will stand side by side in history with the founders of this noble city. No man must hope for justice in his day. This is the age of slander; and if it were not for the courageous souls scattered here and there in public life we might surrender hope and succumb to the ghoul.

There is one brave man who has dared to lift up his voice out of the midst of clamor, and remind Congress of its duty. He did it under a sense of high official responsibility. He did it, too, not upon the recommendation of some head of Department, and upon second-hand evidence, but from actual observation of the progress of improvements here. I will venture to say that no one man in the District of Columbia, not even the Governor himself, has been the daily witness of so much of the work in its detail as this man. Like his great prototype, Washington, who watched the unfolding of the plan of the city with the same keen interest that a botanist would the unfolding of a rare flower, or an artist the development of a great picture, President Grant has watched the rescue of the capital from national disgrace, and, unsolicited, his strong sense of justice plainly reminds you of a duty too long neglected.

Mr. Chairman, I began my remarks by reminding gentlemen of the paternal interest felt by President Washington in the future of this beautiful city, and the deep solicitude shared by his patriotic associates around him for its future prosperity. I showed how the seal of the nation's plighted faith was stamped thus early upon it. I may, I think, with becoming fitness conclude my remarks by quoting from President Grant's annual message to this Congress. He says:

Under the very efficient management of the Governor and the Board of Public Works of this District the city of Washington is rapidly assuming the appearance of a capital of which the Nation may well be proud. From being a most unsightly place three years ago, disagreeable to pass through in summer in consequence

of the dust arising from unpaved streets, and almost impassable in the winter from the mud, it is now one of the most sightly cities in the country, and can boast of being the best paved.

The work has been done systematically, the plans, grades, location of sewers, water and gas mains, being determined upon before the work was commenced, thus securing permanency when completed. I question whether so much has ever been accomplished before in any American city for the same expenditures.

The Government having large reservations in the city, and the nation at large having an

interest in their capital, I recommend a liberal policy toward the District of Columbia, and that the Government should bear its just share of the expense of these improvements. Every citizen visiting the capital feels a pride in its growing beauty, and that he, too, is part owner in the investments made here.

Mr. Chairman and gentlemen of the committee, I have endeavored to do my duty by pointing out yours. I commit the subject to your earnest, intelligent, and patriotic consideration.







# SPEECH OF HON. GEORGE W. McCRARY, OF IOWA,

DELIVERED IN THE U. S. HOUSE OF REPRESENTATIVES,

TUESDAY, MARCH 3, 1874.

The House having under consideration the bill (H. R. No. 1885) to regulate commerce by railroads in the several States—

Mr. McCRARY said:

Mr. SPEAKER: I desire, at the very outset of this debate, to call the attention of the House particularly to the bill itself, so that its purpose and scope may be clearly understood, and that the issue which we are to discuss and decide may not be misapprehended.

## THE BILL IS DECLARATORY OF THE COMMON LAW.

I need not say to the House that it is now settled beyond controversy that a railroad is a public highway, and that a railroad company is a common carrier. These propositions have been settled by the decisions of the highest courts of the States, and also by the decision of the Supreme Court of the United States itself.

The pending bill relates exclusively to interstate commerce. It asserts the right and the duty of Congress to regulate such commerce as is carried on among the several States by means of railroads. It provides two things in the nature of regulations. These are, first, that persons engaged in this commerce shall be prohibited from making unreasonable or extortionate charges; and secondly, that they shall be prohibited from unjust discrimination in the matter of charges. The bill, Mr. Speaker, is therefore simply declaratory of the common law itself.

My first duty is to make clear to the House this proposition. I say that, according to common law, a common carrier is bound to carry for all persons who may apply to him, without unjust discrimination, and for a reasonable compensation; and that the common law, like this bill, prohibits both unreasonable charges and unjust discrimination. This doctrine of the common law was announced by the Court of King's Bench in England as early as 1703, by a no less distinguished judge than

Lord Chief Justice Holt himself, who, in delivering the opinion of the court in the case of *Coggs vs. Bernard*, reported in 2 Lord Raymond's Report, says that the common carrier "exercises a public employment."

Later than that, in the same court, the doctrine was laid down in mere emphatic language, at a time when Lord Mansfield was a member of the bench. In the case of *Harris vs. Packwood*, which is reported in 3 Taunton, and which was decided, I believe, in 1810, the decision of the court, as announced by Lawrence, judge, has these words:

I would not, however, have it understood that carriers are at liberty by law to charge whatever they please. A carrier is bound by law to carry everything which is brought to him, for a reasonable sum to be paid for the same carriage, and not to extort what he will.

The doctrine of the common law on this subject is summed up by Judge Redfield, who is, as I presume every gentleman here will concede, the very highest authority in this country upon the general subject of railroads and the laws which govern them. In an article published in the American Law Register for January, 1874, he defines the duties of common carriers thus:

"It is the duty," he says, "of common carriers to carry for all who apply for reasonable compensation, and to make no unreasonable or unjust discrimination among those who desire to employ them."

And he cites a long list of authorities, which any gentleman may examine if he chooses, and which will leave no doubt whatever as to the soundness of the proposition.

The same author, in a work published some years ago—"Redfield on Carriers and Bailments"—announces the same doctrine, in these words:

Carriers of goods and passengers, who set themselves before the public as ready to carry for all who apply, become a kind of public officers, and owe to the public a general duty, independent of any contract in the particular case.

The supreme court of Massachusetts, in the

case of the Fitchburgh Railway Company *vs.* Gage, which is reported in 12 Gray's Reports, 398, quoted and indorsed the language which I have quoted from 3 Taunton.

So, Mr. Speaker, there can be no doubt of the proposition I lay down, that these common carriers, like all other common carriers, are bound by the common law to do the very things which this bill requires that they shall do. I may be asked, then, if the common law supplies a remedy which covers the whole ground, why we need any legislation. I answer that although the *right* which the common law gives is the same which it is proposed to give by this bill, yet that the *remedy* which the common law affords is entirely inadequate. It is true, sir, that whoever believes he has been wronged and injured by extortionate charges, or by unjust discrimination, may bring his action at common law against the railroad company which has injured him.

But every lawyer knows that the only remedy that he can get is his actual damages. No individual can afford to engage in a litigation with a railroad company in such a case, for the reason that the sum to be recovered will, in every case, prove to be much less than the costs and expenses of the suit. The purpose of the bill, then, is, in a word, to enforce the rights which the people have under the common law, against these great corporations which are engaged in this commerce, by suitable and sufficient penalties. Gentlemen will see by examining the bill what these penalties are. I have not time now to go into detail.

Taking it, then, as a clear proposition, that the duty which this bill requires of these carriers is reasonable and just, and is precisely what the common law itself require, I proceed now to discuss the other questions which arise upon this bill, and they are these: Has Congress power to regulate commerce among the several States, as carried on by means of railroads? If so, may that power be exercised by providing against extortionate and unreasonable charges and against unjust discrimination, leaving the courts and juries, as the common law does, to decide what is and what is not a reasonable charge, and what is and what is not an unjust discrimination? And, if the power exists, and if it extends thus far, is it expedient for Congress to exercise it?

#### CONGRESS CAN REGULATE INTERSTATE RAILROAD COMMERCE.

As to the question whether Congress has the power under the Constitution to regulate such commerce as is carried on by means of railroads among the several States, I shall have occasion to do little beyond merely quoting from the decisions of the Supreme Court of the United States, because this is no longer an open question. That Congress has this power,

and that it is exclusively in Congress, is now settled. I do not say how far the power extends. I do not undertake, at this point, to enumerate the things which Congress may do under this power; but I do say that no lawyer who examines the decisions upon this subject can maintain for a moment that Congress does not have this power, and that it does not extend to the regulation of commerce as carried on by railroads. It is one of the wonderful things in connection with the Constitution of the United States, it is one of those things which exhibits the wisdom of our fathers who framed it, that it has shown its capacity to adapt itself to all the exigencies which have arisen in that eventful period of history since it was adopted.

Of course, Mr. Speaker, when our fathers inserted in the Constitution the provision under which I claim this power, namely, that "Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes," the convention which adopted that provision did not have in its eye a commerce conducted by means of railroads, because railroads had not been thought of at the time the Constitution was adopted. But they were too wise to limit the power of regulation to any particular mode of carrying on commerce. If they had limited it to the kind of commerce that existed at that day, and to the kind of vehicles by which commerce was carried on at that period, the power would only have extended to commerce carried either by wagons on land or sailing vessels on water. Steamships and steam cars were not then engines and agencies for carrying on the commerce of the country as they are to-day; but they wisely made the Constitution an instrument of enumeration and not of definition. They used the word "commerce," and the Supreme Court has well decided that that word means commerce however carried on, by whatever means, whether on land or water, whether on steamboats or steam-cars.

I wish to call the attention of the House, Mr. Speaker, very briefly to the authorities upon which I base my declaration here, that we have power to regulate this class of commerce, which is my first proposition; and I will in the first place ask the clerk to read an extract from the opinion in the case known as the Clinton Bridge case, reported in 1 Woolworth, Circuit Court Reports, from the language of the opinion delivered by Mr. Justice Miller, of the Supreme Court of the United States, then sitting in the circuit court.

The clerk read as follows:

Another means of transportation, equal in importance to the steamboat, has also come into existence since the Constitution was adopted. By it merchandise is transported across states and kingdoms, in the same vehicle in which it started. The railroad now shares with the steamboat the monopoly of the carrying trade. The

one has, with great benefit, been subjected to the control of salutary congressional legislation. Is there any reason why the other should not be? However this question may be answered in regard to that commerce which is conducted wholly within the limits of a State, and which is therefore neither foreign commerce nor commerce among the States, it seems to me that when these roads become parts of the great highways of our Union, acting an important part in a commerce which embraces many States, and destined, as some of these roads are, to become channels through which the nations of Europe and Asia shall interchange their commodities, there can be no reason to doubt that to regulate them is to regulate commerce both with foreign nations and among the States, and to refuse to do this is a refusal to discharge one of the most important duties of the Federal Government.

Mr. McCRARY. Now, Mr. Speaker, I desire to read a paragraph from the article to which I have already referred, written by Judge Redfield, and I may have occasion to refer to this article several times. I do this because of the high standing of the author of the article. He tells us in the article itself that he has been engaged in the investigation of this subject of railway law, as a specialty, for a long time, almost the period of the life of a generation.

Every gentleman knows that he is the author of a number of works which constitute standard authorities in this country upon various subjects, and that upon this particular subject he is the author of a work which I do not hesitate to say stands at the head of the authorities in this country.

Mr. BUTLER, of Massachusetts. Does the gentleman refer to Judge Redfield, formerly of Vermont and now of Boston?

Mr. McCRARY. I do.

Mr. BUTLER, of Massachusetts. He is the very highest authority.

Mr. McCRARY. It is not only because he is the very highest authority, as the gentleman suggest, but there is another reason why I wish to give prominence to his opinions in this discussion, and that is, that he belongs to that school of politicians who have always been very jealous of the encroachments of Federal power upon what are denominated the rights of the States.

Upon the question which I am now discussing, as to whether this power extends to the regulation of that commerce which is carried on by railroads, Judge Redfield uses this language:

The power of Congress in regard to interstate commerce—that is, commerce between different States, whether two or more—is most unlimited, by the very terms of the National Constitution. It extends as far as the national sovereignty extends. In regard to the regulation of fares and freights upon existing railways, Congress has the same power to regulate commerce among the States, whether upon land or water, and to the same extent that any national Legislature has to regulate upon its railways or its vessels or ships of any kind. This will become very apparent by the consideration that this power resided, to its full extent, exclusively in the States before the adoption of the national Constitution, and that it was transferred entire to the national Government by enumerating among the exclusive powers delegated to the national Government

the power to regulate commerce with foreign nations and among the several States.

The point to which I am now calling the attention of the House was fairly and squarely decided in a very recent case from the State of Pennsylvania, and reported in 15 Wallace's Reports, known as the State Freight-tax case. In that case the question was as to the constitutionality of a statute passed by the Legislature of Pennsylvania, which imposed, or undertook to impose, a tax upon the tonnage of all freight carried upon railroads chartered by the State of Pennsylvania. That statute was attacked upon the ground that to impose a tax upon such freight as was carried across the State, or carried from within the State to a place without the State, was in the nature of a regulation of commerce, and therefore was beyond the power of the State, and within the exclusive jurisdiction of the national Government. And the Supreme Court of the United States held the affirmative of both propositions.

It held that to impose a tax upon freight carried on lines extending from State to State was a regulation of commerce, because it was the imposition of a rule or regulation for conducting and carrying on that commerce. And it held, secondly, that being in the nature of a regulation of commerce it was not only beyond the power of the State, but it was exclusively within the power of the National Government. I cannot read at length from this opinion. Suffice it to say, it is an exhaustive treatise in itself upon the whole question. The opinion was delivered by Mr. Justice Strong, and I may say, in passing, that I think he has not a superior upon that bench or any other in the land. I can take time to read but a few passages from his opinion:

Beyond all questions, the transportation of freight, or of the subjects of commerce, for the purpose of exchange or sale, is a constituent of commerce itself. \* \* \* Nor does it make any difference whether this interchange of commodities is by land or by water. In either case, the bringing of the goods from the seller to the buyer is commerce.

Upon the other point, as to whether this power is exclusively in Congress or not, I wish to quote from the same authority, as follows:

It has indeed often been argued, and sometimes intimated by the court, that so far as Congress has not legislated on the subject, the State may legislate respecting interstate commerce.

Then comes this language, to which I wish to call attention:

Yet, if they can, why may they not add regulations to commerce with foreign nations beyond those made by Congress, if not inconsistent with them? For the power over both foreign and interstate commerce is conferred upon the Federal Legislature by the same words. And certainly it has never yet been decided by this court that the power to regulate interstate as well as foreign commerce, is not exclusively in Congress. Cases that have sustained States laws, alleged to be regulations of commerce among the States, have been such

as related to bridges or dams across streams wholly within a State, police, or health laws, or subjects of a kindred nature, not strictly commercial "regulations."

Then comes the final decision of the court:

However this may be, the rule has been asserted with great clearness, that whenever the subjects over which a power to regulate commerce is asserted are in their nature national, or admit of one uniform system or plan of regulation, they may justly be said to be of such a nature as to require exclusive legislation by Congress. Surely transportation of passengers or merchandise through a State, or from one State to another, is of this nature.

By this case, then, it is distinctly held, first, that wherever the subjects over which the power to regulate is sought to be exercised are in their nature national, so as to admit of one general and uniform system of regulation, there the power to regulate is exclusively in Congress, and, secondly, that the carrying of freight from one State to another is of this character.

There is, then, Mr. Speaker, no room to doubt that I am right upon my second proposition, namely, that this power of regulation, whatever it may be, however far it may extend, may be applied to the regulation of that kind of commerce which is carried on among the several States by means of railroads.

#### CONGRESS MAY PROHIBIT EXTORTION AND UNJUST DISCRIMINATION IN CHARGES.

Let us inquire then, Mr. Speaker, in the next place, whether this power to regulate this commerce may be exercised by providing, as this bill proposes, that persons engaged in it shall not be guilty of extortion or of unjust discrimination. If this is not a regulation of commerce, will some gentleman tell me what it is? Is it not a rule for the government and control of the persons engaged in this commerce? The rule is that they shall charge only that which is reasonable; the rule is that they shall not be guilty of unjust discrimination. If these are not rules what are they? A regulation is simply a rule. The regulation of commerce, as was declared by Chief Justice Marshall in the opinion in *Gibbons vs. Ogden*, is the prescribing of rules for carrying on commerce.

But, Mr. Speaker, I will not ask the House to rest upon my opinion on this subject. I wish to call attention now to some authority upon this point. In no case among the many in which this power to regulate commerce has been discussed has the subject been considered so exhaustively as in the great case of *Gibbons vs. Ogden*, the opinion in which was announced by Chief Justice Marshall himself. I beg the indulgence of the House while I quote (not at any very great length) from this decision, upon the question as to the nature and extent of the power conferred upon Congress by the Constitution of the United States to regulate commerce among the several States. Chief Justice Marshall says:

To what commerce does this power extend? The Constitution informs us, to commerce "with foreign nations and among the several States, and with the Indian tribes." It has, we believe, been universally admitted that these words comprehend every species of commercial intercourse between the United States and foreign nations. No sort of trade can be carried on between this country and any other to which this power does not extend. It has been truly said, that commerce, as the word is used in the Constitution, is a unit, every part of which is indicated by the term. If this be the admitted meaning of the word in its application to foreign nations, it must carry the same meaning throughout the sentence, and remain a unit, unless there be some plain, intelligible cause which alters it. The object to which the power is next applied is to commerce "among the several States." The word "among" means intermingled with.

I wish, gentlemen, to weigh the force of this language. Our power is not limited to the mere crossing of a State line, but extends to all that commerce which is intermingled with the States—beginning in one State and ending in another, and, therefore, in the very nature of things, beyond the reach and control of any single State.

A thing which is among others is intermingled with them. Commerce among the States cannot stop at the external boundary line of each State, but may be introduced into the interior.

It is not intended to say that these words comprehend that commerce which is completely internal, which is carried on between man and man in a State, or between different parts of the same State, and which does not extend to or effect other States.

I think, Mr. Speaker, there cannot be found anywhere a better definition of the appropriate jurisdiction of Congress and of the line which marks the division between State and Federal power, than is found in the following language of Chief Justice Marshall in the opinion to which I am referring:

The genius and character of the whole Government seems to be, that its action is to be applied to all the external concerns of the nation, and to those internal concerns which affect the States generally; but not to those which are completely within a particular State, which do not affect other States, and with which it is not necessary to interfere for the purpose of executing some of the general powers of the Government. The completely internal commerce of a State, then, may be considered as reserved for the State itself.

But, Mr. Speaker, I am now dwelling more particularly upon the question as to the nature and extent of this power to regulate commerce; and upon this point allow me to quote from this opinion:

It is the power to regulate, that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress is complete in itself: may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution.

These are expressed in plain terms and do not affect the questions which arise in this case, or which have been discussed at the bar. If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects—

Mark the words, Mr. Speaker, "is plenary as to those objects,"—

the power over commerce with foreign nations, and among the several States, is vested in Congress as absolutely as it would be in a single government having

in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States. The wisdom and the discretion of Congress, their identity with the people, and the influence which their constituents possess at elections—

Which, I apprehend, sir, we can all appreciate here—

are in this, as in many other instances—as that for example, of declaring war—the sole restraints, on which they have relied to secure them from its abuse. They are the restraints upon which the people must often rely solely in all representative governments.

According, then, to this opinion of Chief Justice Marshall, our power under this clause of the Constitution is complete in itself. It is plenary as to every one of the objects enumerated. It acknowledges no limitations other than those found in the Constitution itself, and is equal in extent with the power of any single government having in its organic law no other restraint than we find in the Constitution.

Now, sir, will it be said that a power which is thus a plenary, a legislative power which is thus complete, does not authorize Congress to say to those men engaged in commerce among the several States, "You shall discharge the duties you assume as common carriers under the common law, and this shall be one of the rules and regulations concerning the commerce in which you are engaged?" Will any gentleman assert that plenary power cannot require of these common carriers the discharge of this plain, simple, just requirement of the common law itself as well as of justice and equity?

Allow me, Mr. Speaker, upon this question, to read again from the article of Judge Redfield. He says:

We are not aware that any fair question can be raised in regard to the right of Congress to control the fares and freights upon interstate railways. No such question has been raised in England in regard to the power of Parliament, and we do not comprehend how one could be raised in any country, unless there were some constitutional restriction upon the sovereign power.

And I may as well say here, as I failed to do it in more appropriate connection, that the Parliament of Great Britain has for many years provided for the regulation of fares and freights on the railroads of that country. And if Chief Justice Marshall was right in saying the power of Congress over the subject, is plenary, and is as great as that of any single government, then of course it follows that Judge Redfield is right in saying that no fair question can be made as to the power of Congress to enact this regulation.

I read again from Judge Redfield:

In the absence of all such restriction the supreme power might impose conditions upon existing companies which would annihilate their business at once. But of course we name this only to show the unlimited nature of the power, and not because we suppose it would ever be resorted to. This is admitted by all in regard to the legislative power of the British Parliament, and we have never been able to find any one who could assign any sensible reason why the legislative

power of the American Legislatures, both State and national, in the absence of constitutional restrictions, should be less than that of the British Parliament.

Mr. ELDERIDGE. Will the gentleman from Iowa allow me to ask him a question right there?

Mr. McCRARY. Yes, sir.

Mr. ELDERIDGE. I would like to know of the gentleman whether he thinks there is any parallel between the power of the British Parliament and that of the Congress of the United States? Does not this distinction exist, that Congress has "only such power as is expressed in the Constitution," while the power of the Parliament of Great Britain has no constitutional restraint, but is held by itself and by the Government of Great Britain to be without limitation of power; that the British Parliament is held to have all the power which any government can exercise, while the Government of the United States must find in its Constitution the express right to power for whatever it shall attempt to do?

Mr. McCRARY. I might concede to my friend from Wisconsin, whom I know to be an extreme advocate of the doctrine of States-rights, that Congress has no power except that which is expressly conferred by the Constitution itself. I do not concede that. We have established national banks, and we have done a great many things where the right was derived, not from express provision, but fair and necessary implication; for the purposes of this argument, however, I can plant my feet upon the extreme doctrine of the State-rights Democracy, and still maintain my position against the gentleman from Wisconsin or anybody else, because nobody can deny the declaration of Chief Justice Marshall, that as to powers expressly conferred upon Congress, the jurisdiction and sovereignty of Congress is supreme and plenary, and what power can be greater? It acknowledges no limitation unless the limitation is found in the Constitution; and there is no limitation in the Constitution upon the power of Congress to regulate commerce.

Now, I say again, as I said a while ago, that we can adopt this proposition if it be in the nature of a regulation. Is it not in the nature of a regulation? In deciding the State freight-tax cases, the Supreme Court of the United States put their decision solely and entirely upon the fact that to put taxes upon commerce or upon freight to be carried from one State to another was in the nature of a regulation; and therefore they held that, as to all freight carried from one State into another, and as to all freight carried across a State, this regulation can only be provided by the action of Congress. I desire to read a sentence from the opinion of Mr. Justice Strong in this case:

Then why is not a tax upon freight transported from State to State a regulation of interstate transportation

and therefore a regulation of commerce among the States? Is it not prescribing a rule for the transporter by which he is to be controlled in bringing the subjects of commerce into the State and in taking them out?

There is the test which the Supreme Court puts, in order to determine whether this thing is a regulation of commerce or not. Is it any less, I ask again, a regulation to provide that the transporter shall be limited in his charges to such as are reasonable and to such as are just and equitable? I think, then, Mr. Speaker, I am entirely justified in saying that both upon authority and upon reason, the proposition contained in this bill is a fair regulation of commerce, and that if it be adopted it will be held to be a proper and legitimate exercise of the power of Congress to regulate commerce.

#### THE PROPOSED LEGISLATION IS EXPEDIENT.

But I must pass on to say a few words as to the question of the expediency of this measure. It may be said that it is not expedient to pass this bill, and possibly it may be said that it is not competent for us to pass the bill, for the reason that it interferes with the right and power of the several States to control the corporations created by them. Sir, no man believes more firmly than I do that each and every State has a right to control the corporations which it creates. But, sir, when it is contended that a State may charter a private corporation, and may authorize that corporation to engage in interstate commerce, and by this means defeat the power of Congress to regulate that commerce, then I deny that the State has that power. No State has any power to charter a corporation and authorize it to engage in interstate commerce; or if it has that power it must authorize it to engage in that kind of commerce subject to the power of Congress to regulate and to control it. The moment a State corporation engages in interstate commerce that moment it comes within the power and jurisdiction of the national Government. If we were to concede that the mere fact that the State has created a corporation which has engaged in interstate commerce deprives Congress of all power over that kind of commerce, we would concede to the States the right to abrogate the Constitution itself; we would concede to the States the power to deny the exercise by Congress of the power conferred upon it by the Constitution.

[Here the hammer fell.]

The SPEAKER *pro tempore*, (Mr. G. F. HOAR in the chair.) The time of the gentleman from Iowa has expired.

Mr. ARTHUR. I move that the gentleman's time be extended.

The SPEAKER *pro tempore*. It is moved that the time of the gentleman from Iowa be extended. The Chair hears no objection.

Mr. McCRARY. I thank the House for

its indulgence, and will endeavor to conclude as soon as I can.

Whatever restriction a State may have placed upon its own power, it has in no case, because it cannot do it, placed any restriction upon the power of the national Government. The power of Congress to regulate commerce exists independently of the means and agencies by which that commerce is carried on. The power of a State to control its corporations must be exercised with reference to the subjects over which the State has jurisdiction, and the State cannot step out of its proper sphere and by a contract made with a corporation within its limits tie the hands of the national Government in this matter of the regulation of commerce. The power of the State to regulate must be limited to such contracts, transactions and engagements as are subject to be regulated and controlled by State law, and cannot affect any subject-matter which comes within the jurisdiction and control of national law.

#### RATES FIXED BY COMBINATION AMONG RAILROADS.

If, Mr. Speaker, the rates charged by railroad companies for carrying freight and passengers were fixed in the manner that most prices are fixed, by fair, open, free competition, it might not, and I apprehend it would not, be necessary for Congress to interpose. The wrongs of which we hear so much, the injustice of which there is so much complaint, the discrimination which is so common and so unjust, probably would never have existed if the rates of freights were fixed, as I have said, by free and open and fair competition. But, sir, every gentleman knows well that the rates charged by these great corporations are fixed not by competition but by combination; and it was the shrewd aphorism of old George Stephenson, "that competition is impossible wherever combination is possible." Upon this subject Mr. Charles Francis Adams, of Massachusetts, who has made this question a study, has given us a better statement of the facts than I can give myself. He says, in an address recently delivered before a committee of the Massachusetts Legislature:

Take, I pray you, the case of New York and Chicago, two cities a thousand miles apart, between which railroads have been constructed as fast as private capital could construct them. Every gentleman on this committee knows that not a rate is charged between New York and Chicago which is not established by combination. You know that every time the tariff is to be raised or lowered the freight agents of the several companies meet in convention, and they decide how much it shall be raised, or how much it shall be lowered, and the change agreed upon takes effect upon all the roads on a given day. You know—every man who has looked into this subject knows—that the only competition which exists is between land transportation and water

transportation. When water enters into the struggle, when navigation opens, then the freight agents meet, and rates are reduced; when the lakes freeze up, then the freight agents meet again, and the rates are raised. Whether reduced or raised, however, the change always is the result of combination.

Again, let us look at this question from another point of view. The idea of competition certainly implies the existence of several agents. As regards railroads, however, even the combination of competitors is limited to a few localities. Except at competing points—points, that is, upon which railroads converge—transportation by rail is a pure, absolute monopoly, affected only by municipal law and considerations of self-interest, and in no degree subject to the influence either of competition or of supply and demand. Now, how large a proportion of all the towns on our railroads are points of railroad convergence? In other words, how many of them can look to competition for even a pretense of protection against monopoly?

Now, Mr. Speaker, in confirmation of the statement of Mr. Adams, I desire to call the attention of the House to the fact that on the 30th day of December last the agents of the several great trunk lines of railroad extending from the West to the East assembled in the city of New York, and increased the prices to be charged upon every pound of freight to be brought from the West to the East at least 33 per cent., and they were honest enough in the proceedings of their meeting to record the reason why they did it. Was it because they had been charging freights that were too low? Was it because they had made no money during the summer? Not all, Mr. Speaker; but because the lakes had frozen up, and the competition between water transportation and land transportation had ceased for the time being.

The proceedings of this meeting, with a table showing both the old rates and the new, will be found in the *New York Tribune* of January 1.

Upon that same subject I beg leave to read a paragraph or two from Judge Redfield. He says, speaking of railroad commerce:

It has become so indispensable to the very existence of the country, and such an overwhelming monopoly, that the very life of all the internal trade and commerce of the country is already at its mercy, and must forever remain so, unless Congress shall interpose some effective remedy. The States have, as we have seen, no power to act in the matter of interstate communication, and this is the principal seat of the difficulty; and if the States had now the same power they had under the old Confederation, it needs no argument to show that forty independent legislatures could never agree upon any effective system of interstate commercial intercourse, or, even if they could agree upon such a plan, which is scarcely less than impossible, they have no combined judicial machinery to carry it into effect. There can be no hope of relief from any imaginable source but in the national prerogatives.

And here let me call the attention of the House to the fact stated by Judge Redfield, that we are driven to one of two alternatives—either the regulation of this vast and rapidly increasing commerce among the States by national legislation, or else that it shall remain permanently without any regulation at all, and I ask gentlemen to consider seriously whether this great commerce, whether these vast combinations, whether these powerful monopolies which have to do with the rights and interests of all of our forty millions of people, ought to be left entirely free and independent of any legislative control or regulation whatever.

The question now confronts us whether we shall allow this commerce to remain without regulation, or assert the power which the Constitution confers upon the Government of the United States. Judge Redfield further says:

The result is entirely certain, that if the railways are allowed to pursue the unrestrained course now entered upon by them, the expenses of transportation will ultimately absorb all the profits of interstate trade and manufactures.

#### FACTS SHOWING NECESSITY FOR REGULATION.

I beg to call the attention of the House to a fact or two in illustration of the necessity for this legislation, which I find in the speech of Charles Francis Adams, from which I have already quoted. I wish particularly to direct the attention of the House to a fact which he states, and which is the statement of one isolated fact which may be multiplied by tens of thousands all over the country:

In this State of Massachusetts, since I have been a commissioner, a railroad superintendent has frankly acknowledged to me that where freight was shipped and paid for to the end of the line, if that freight was switched off at a non-competing point but ten miles from where it came on to his line, and a hundred miles short of its paid destination, he always charged the car containing that freight twenty dollars extra. Twenty dollars for not hauling it one hundred miles. And he justified his extortion.

He also, in a note, calls attention to some facts which were brought to light at a meeting held in Rochester, New York, by the business men of that place. It appeared that goods could be sent from New York to Indianapolis for twenty-five cents per hundred pounds, when the freight from Rochester to the same place was from one dollar to one dollar and a quarter per hundred pounds. One firm had paid one dollar and thirty cents from Rochester to Hannibal, Missouri, while at the same time the same class of freight was shipped from Worcester, Massachusetts, to Hannibal, for sixty cents per hundred pounds, and from Philadelphia for forty cents. But I will not delay the House by an enumeration of instances of this character. Everybody knows, it is the experience of mankind that a mo-

nopoly is a dangerous thing, and that it is not safe to allow, and we cannot adopt as a permanent policy of this country, that these interstate railroads, being above the control of the States, shall be permitted to fix at their own will, and subject to no law whatever, the price which they will charge for transportation.

I would like to quote once more—at the risk of wearying the House—from an authority which I think will have great weight with some gentlemen upon this floor. I mean Mr. John Stuart Mill. I read from the second volume of his Political Economy. Speaking of railways and canals, he says:

These are always in a great degree practical monopolies; and a government which concedes such monopolies unservedly to a private company, does nought the same thing as if it allowed an individual or an association to levy any tax they chose for their own benefit on all the malt produced in the country, or on all the cotton imported into it. To make the concession for a limited time is generally justifiable, on the principle which justifies patents for inventions; but the State should either reserve to itself a reversionary property in such public works or should retain and freely exercise the right of fixing a maximum of fares and charges, and from time to time varying that maximum.

Mr. Mill, I may say in passing, was not one of those economists who believe in any improper or extravagant exercise of the functions of the Government.

But I have heard it said, as an objection to the expediency of the legislation now proposed, that the charges of these railroads were only sufficient to pay a fair dividend or interest upon the cost of their construction and operation. Sir, a little investigation of the subject will show that the stock issued by these corporations represents, in most cases, far more than the actual cost of their construction and their improvement. A gentleman who has given this subject a great deal of study, who is himself a gentleman of great learning, (I mean Mr. Hubbard, of Boston,) who has laid a memorial upon this subject before the House, has stated some facts bearing upon this subject. He says:

The Syracuse and Utica section of the New York Central railroad, it is said, cost \$800,000, and is now represented in stock and debt by \$6,800,000. The total capital of the New York Central road is over \$100,000,000. Its stock dividends in two years \$45,000,000, nearly equal to the entire cost of the road.

Who pays this interest and these dividends upon this watered stock? These profits must be made up by exorbitant charges upon the people who patronize the road.

The annual dividend (8 per cent.) paid on this fictitious stock, is equal to nearly 15 per cent. of the gross receipts; that is, the rates might be one-seventh less than they are if this stock dividend had not been declared. The directors and stockholders of this corporation are not guilty beyond others; they have only carried out the

principles upon which all roads are conducted, and which the public has tolerated.

Sir, is there no remedy for this? Shall the Congress of the United States say that there is no relief, that no part of the burden which these corporations thus impose upon the people can be lifted?

This gentleman states some other interesting facts, showing the great value of a commission such as this bill proposes to organize, with power to gather statistics, to compel returns, to ascertain facts in regard to this commerce. In the State of Massachusetts there is such a commission, and one of the facts ascertained by the report of that commission is, that in 1873 the cost of moving a train of cars was \$1.26 per mile. Now, there is a basis upon which can be made a calculation from which we can learn how much beyond the actual cost of transportation the people of this country annually pay for carrying freight over these railroads. Mr. Hubbard calls attention to these facts:

In the year 1873 about three hundred and fifty million bushels of grain raised in the valley of the Mississippi were transported by railroad to the Atlantic slope; the average freight per bushel was 50 cents. In the same year the average cost per train per mile on all the railroads in Massachusetts was \$1.26.

At this rate, the cost of moving a train of thirty cars, of ten tons each, from the Mississippi river to New York, by an air-line railroad, would have been \$1,260, or 12.8 cents per bushel. Allowing an equal sum for interest and dividends on the cost of a railroad connecting the same points, or 50 per cent. of the gross receipts wheat could have been transported to New York at 24.2 cents per bushel—equal to a saving of \$55,000,000 on the amount transported.

Will any gentleman say that that is reasonable and just? Will any gentleman say that it is sound policy for us to concede here and now that there is and can be no remedy?

The American people will not tolerate such a doctrine. These great corporations and this immense commerce must and will be controlled. They will not be left permanently free from any regulation. They are not, or ought not to be, above the law. If this Congress shall conclude that it cannot regulate them, another Congress will be sent here that will hold a different view. There is no more vital question which agitates the people of this country than this. These great and rapidly increasing commercial interests imperatively demand regulation and control by law. Here is the power, and the only power on earth, which has the right and upon which devolves the duty of adopting such a remedy as the case requires. I hope, sir, this Congress will not hesitate to discharge its duty in the premises. I thank the House for the indulgence they have extended to me of speaking almost twice as long as I intended, and much longer than the rules allow.

## Interstate Commerce.

# SPEECH OF HON. GEORGE F. HOAR, OF MASSACHUSETTS,

DELIVERED IN THE U. S. HOUSE OF REPRESENTATIVES,

WEDNESDAY, MARCH 25, 1874.

The House having under consideration the bill (H. R. No. 1385) to regulate commerce by railroad among the several States—

Mr. G. F. HOAR said:

Mr. SPEAKER: I have been so entirely content with the able and lawyer-like argument of the chairman of the committee, and the eloquent and original presentation of this question made by the gentleman from Illinois, [Mr. HURLBUT,] and the very thorough, instructive, and practical statement made by the distinguished gentleman from Iowa, [Mr. WILSON,] that I had no personal desire to take part in this discussion. But it so happens that I am the only member from New England upon the committee which has reported the bill.

This demand is for cheap transportation, a matter deeply interesting to the people of the Northwest, but essential to the life of the community to which I belong. We have no considerable water-power. Our State, it is sometimes said, produces chiefly granite and ice. We have to bring coal, which is the motive-power for all our industries, through other States from the sea-board. We have to bring from other States and from Canada the lumber and the brick which compose our dwellings. The food which feeds our workmen comes from the West; while the iron, the wool, the leather, the cotton, are brought half way across a continent, and by the skill of our workmen are wrought into machinery, cloth, shoes, and other articles for the comfort of man, and then carried back again to be sold in their new form to the people who produce the material. There is not an hour of the day's life of a Massachusetts workman in which he does not feel the pressure of the unjust demands of the railroad; there is not an article of his necessity or his luxury into the price of which they do not enter; there is not a product of his skill, there is not an ambition of his life, whether for wealth, for honor, or for usefulness, which is not affected by the railroad, and upon which it does not press as a burden, whenever it is permitted to make an unjust charge.

I do not wish to bring any partisan considerations into this debate; but I consider myself specially instructed by the vote of the last re-

publican convention of my own State to give the best consideration and the most anxious care to the solution of this question. I ask the Clerk to read this resolution.

The Clerk read as follows:

*Resolved*, That the adoption of a policy which shall so reduce freights on railroads that the raw material, food, and coal of the West and South shall be exchanged at the least possible cost for the manufactures of New England, interesting to the whole country, is vital to the industries of Massachusetts; that the powers vested by the Constitution in Congress to regulate commerce between the States includes jurisdiction over this great subject; and that we call upon Congress and our State Legislatures so to exercise all their powers over the railroads of the country as, without injustice to them, may reduce freights and fares to proper rates and secure the advantages of these great highways to the whole people free from all preference or monopoly.

Mr. G. F. HOAR. Mr. Speaker, this bill presents to us a twofold question, two questions which gentlemen who have opposed it seem to me to have constantly confounded. One is, ought the power asserted in this bill to be exercised by the Government at all? The second is, in the distribution of the great governmental forces between the nation and the States, which shall rightfully exercise this power?

In considering the first question, let us leave out for a moment any subtle constitutional distinctions between the national and State authorities; let us lay aside all questions of local self-government and of national power and authority, and let us consider whether it is wise, whether it is safe, whether it is not imperative, that the power which this bill seeks to exercise of restraining to a reasonable charge the price of transmission over the great railroads of the country of passengers and freight should be exercised by Government. Now, we agree that there are many things which we may constitutionally do which it is not wise or expedient or politic to attempt. We agree that in dealing with the question whether we shall pass a sumptuary law, it is entirely unimportant to inquire whether the Constitution in any case gives us authority to pass that law, because we are agreed that it is inexpedient and an invasion of the rights of the citizen to undertake to control his action in that particular. But, in determining whether that principle is applicable to this case, let me ask the attention of the

House for a moment to the consideration exactly what it is that this bill undertakes to do. There is no attempt in this bill to fix the price between the consignor and the carrier. The bill provides two things: First, a mild, cautious, simple, experimental remedy for a known common-law right. That is the first thing that it does. The second is, that it enacts that an obligation which attaches to public carriers everywhere in the civilized world, which attends upon the public carrier in every State so long as he is within the State authority, shall continue to rest upon him when he goes into the domain where the national authority is paramount and exclusive. That is all.

Now, Mr. Speaker, what was the English common law when the Constitution of the United States was adopted? The English common law provided that a person who took upon himself the office of a public carrier was thereby bound to all mankind to carry freight for a reasonable price. He could not charge what he deemed to be proper himself, but must carry the freight for a reasonable price and without unjust discrimination for all comers as they presented themselves.

Now, how was that rate enforced? It was enforced in two ways: First, by the courts. If a carrier undertook to assert his lien on the goods he carried, and refused to deliver them to the owner, he would be a wrong-doer, it would be a conversion, unless it turned out that he was claiming only a reasonable sum, the burden of proof being on him to show that his charge was reasonable. And, second, if the owner of the goods was compelled to pay to the carrier an unreasonable sum, he could sue the carrier and get back the excess. That was the first remedy which the English law afforded.

The second remedy was this. I ask the clerk to read the passage I have marked from a statute of 21 George II, chapter 28, section 3, which is a repetition of a prior statute of William and Mary. I ask the House to listen to the law which was in existence when our fathers framed the Constitution and with which they were familiar, a law which prevailed in regard to the little carriers in England, who transported merchandise from the hamlet to the market town or to the metropolis.

The Clerk read as follows:

And whereas by an act made and passed in the third year of the reign of King William and Queen Mary, entitled "An act for the better repairing and amending the highways, and for settling the rates of carriage of goods," it is enacted: That the justices of peace of every county and other place within the realm of England, or dominion of Wales, should have power and authority, and they were thereby enjoined and required, at their next respective quarter session after Easter, yearly, to assess and rate the prices of all land carriage of goods whatsoever to be brought into any place within their respective limits and jurisdictions, by any common wagoner

or carrier, to be certified and published in such manner as is therein mentioned; and that no such common wagoner or carrier should take for the carriage of such goods or merchandise above the rates and prices so set, upon pain to forfeit for every such offense the sum of five pounds to be levied and recovered as is by the said act directed; and whereas no rates for the carriage of goods from distant parts of the kingdom to the city of London, and places adjacent, have been yet settled, and several common wagoners and carriers have from thence taken occasion to enhance the price of carriage of goods to the prejudice and obstruction of trade.

Be it therefore further enacted by the authority aforesaid, That if any common wagoner or carrier shall, after the 10th day of June, 1748, demand and take any greater price for the bringing of goods to the city of London, or to any place within the bills of mortality, than is allowed and settled by the justices of the peace for the county or place from whence such goods are brought, for the carrying of goods from London to the said county or place, every such carrier or wagoner shall, for every such offense, forfeit and pay the sum of five pounds, to the use of the party aggrieved to be recovered and levied in the manner by the last-mentioned act directed, or by distress and sale of his goods, by warrant under the hands and seals of any two justices of the peace for the counties of Middlesex or Surrey, or the city of London, or city and liberty of Westminster.

You will see, Mr. Speaker, the little English carrier, who carried merchandise from the hamlet to the metropolis from time immemorial, had his rates of charge fixed by the court of sessions. Every considerable town and city in this country to-day does the same thing for the hackmen—fixes an absolute limit of rate of charge for the carriage of passengers to protect the public from extortion.

Mr. WILLARD, of Vermont. Will the gentleman allow me to ask him a question right here?

Mr. G. F. HOAR. Yes, sir.

Mr. WILLARD, of Vermont. Does the gentleman hold that the Congress of the United States has the same power to control the public highways in Massachusetts that the Parliament of England has to control the public highways of the British realm?

Mr. G. F. HOAR. Of course, I make no such claim. But the gentleman's question is not pertinent now. I am now dealing with the question whether this thing should be done at all, leaving the question of how far it should be done by the State and how far by the nation to a later stage. I am not at this moment inquiring whether it shall be done by Congress, but whether it shall be done by anybody. This bill does not even go so far as to undertake to do to the railroad what every city and town does to the hackmen, and what the English law did to the wagoner. The bill simply provides that a commission shall be appointed which shall fix the limit above which, if the railroad desire to go, it shall not go unless a jury to which it may appeal shall say that the limit of the commissioners was wrong.

It merely changes the burden of proof, and it changes it in only one of the two cases which I have supposed. If the railroad undertakes to hold on to the goods and the owner replevins them, the burden of proof is now

everywhere upon the railroad to show that it charged only a reasonable price. And if the owner of the goods sues the railroad to recover back an excess, in that case the burden of proof is on the owner to show that the sum demanded was excessive. This bill simply says that in such a suit the burden of proof shall be changed, and that the railroad shall in all cases, where it has exceeded the limit fixed by the commissioners, be bound to show that the sum it charged was reasonable. It puts the burden of proof upon the party that knows all the facts, upon the party familiar with the subject, upon the party to whom it would be just and equitable the burden should rest in all such controversies. That is the whole of this terrible bill in which my friend from Vermont [Mr. WILLARD] finds a danger to local self-government and the liberty of the people. That is the whole of the remedy which it undertakes to offer. Why, sir, it is milk and water compared with the complaint and the evil it undertakes to redress.

My friend from Vermont says all the citizens should be left free; that the question of how much the public carrier should charge should be left to be settled by a contract between the carrier and the owner of the goods; that it is a violation of public policy for the Government to interfere in a contract between citizens. Is the citizen left free now? Is not a contract of a public carrier with a citizen a contract in which the Government has already interfered?

Who is the public carrier with whom we have to deal? What are these railroads? In the first place, the Government has delegated to these railroads its power of eminent domain. They present themselves to the people with the sword of eminent domain in their hands, carving out for themselves great highways across the continent, over the land of the private citizen against his will, of which highways they enjoy a complete monopoly. The Government clothes them with vast corporate powers; it delegates to them powers of *quasi* legislation; it gives them the security and the vast strength of aggregation of wealth without personal liability under contracts.

Now, what are the powers which these railroads exercise? They are not powers which the private citizen can wield. They are not private powers, but powers expressly derived from Government. The power of the American railroad to-day is one of the strongest forces on this earth. The railroad crossing a State, crossing the continent, can put its finger upon this or that spot of the earth's surface, upon this or that populous town and city, and say to it, "You shall grow, or you shall dwindle; poverty, desolation, hardship, or wealth, manufactures, trade, shall grow upon this spot at our will." It can say to the act-

ive politician and the able lawyer, and the most influential citizen, "Come into our service, and you shall have power, wealth, fame, prosperity; resist our will, and you shall be stricken down and destroyed in all the ambitions of your life."

This is a power not like that of the State government or the national Government, laid down at the end of a stated period of one year or four years; it is a power not like that which governs State or nation, watched by a jealous and hostile opposition; but it is a power permanent as the undying corporation itself, permanent as wealth, permanent as the State, permanent as civilization itself.

I have mentioned rewards which the railroad has for its servants. But how is it with its masters, with the men whom it does not govern, but who govern it? For them it has in unmeasured degree the two supreme objects of human desire—wealth and power. One of the great railroad kings of the country has accumulated a fortune compared with which the revenues of empire are mean. It was said of another, by an eloquent orator the other day, that "He starts from San Francisco on his journey across the continent, and every sweep of his garment knocks down a Legislature." The tendency of things is, while the number of miles of railroads in the country and the amount of their business is rapidly increasing, to consolidate them and place them practically under the control of a few corporators.

The number of miles of railroad in the United States at the close of 1873 was 71,564. The amount of capital stock was \$2,072,251,984; total debt, \$1,999,741,597; total cost, \$3,728,416,958. Gross traffic for 1873, \$478,885,597; net receipts over operating expenses, \$174,350,913. The last two items relate to 54,454 miles, all that are reported, on which the net income applicable to interest and dividends equals \$3,201 per mile.

Now, Mr. Speaker, the notion entertained by my friend from Vermont of civil liberty and of interference with the right of the citizen is this: that these powers, these functions—so vast, so irresistible, so eternal—shall be delegated by the Government to irresponsible men who wield them; and that it is a violation of the right of the citizen when we come in and say that we will establish a board who shall declare what shall be the maximum charge they shall make on freight, and that the declaration of this board shall simply change the burden of proof in a law-suit.

Mr. WILLARD, of Vermont. I presume the gentleman does not intend to misrepresent me.

Mr. G. F. HOAR. Certainly not.

Mr. WILLARD, of Vermont. I said expressly in my remarks yesterday that the State creating the corporation had entire control of it.

Mr. G. F. HOAR. The gentleman said that too; but he said also that for the Government to enter upon this province was an invasion of, and interference with, the right of the citizen. I shall come presently to the question how far a State and how far the nation can deal with this particular subject.

The gentleman from Vermont either agrees with me or disagrees with me. Does he say that it is fitting that whatever government has jurisdiction over the particular question shall somewhere or somehow regulate the charges of these railroads?

Mr. WILLARD, of Vermont. I confess—I do not know but I ought to say I am sorry to be obliged to confess—that I fear no Government regulation can cure the evil; and I think the gentleman will find the same opinion substantially expressed in the report of the Massachusetts commissioners.

Mr. G. F. HOAR. Then, Mr. Speaker, the sturdy descendant of the heroes of the Green Mountains is not willing to undertake the duty of protecting the American citizens against the encroachment of these railroads because he is afraid he cannot do it. This is the other alternative. Now, when the convention of railroad managers meets in Buffalo, as soon as the canals freeze, and fixes the charges for freight, where do they get the power which enables them to affect the value of every bushel of wheat throughout the entire Northwest? Do they not get it from the Government? Are they not themselves the creatures of law?

If a dozen truckmen meet and agree that for carrying half a mile the trunks of passengers coming by rail to a station they will make a small increase of a shilling in the price, they are held amenable to the law. But the convention of railroad presidents may meet at Buffalo, when the canals freeze, and lay their taxes on the products of the Northwest and the industries of New England, subtracting 10, 20, or 50 per cent. from the value of each man's day's work; and it is considered impolitic for the Government, which represents the people of the United States, to undertake to control the creatures it has itself made! Commerce between New York and San Francisco, the products of great regions of the earth's surface, the motive power, the raw material of great manufacturing States, the food and clothing of millions of Americans, may be enhanced in price by a like combination, and the people which loaned them its sovereignty shall, according to the theories of government of some gentlemen who have addressed the House, be forever powerless to restrain them!

Mr. BUCKNER. Will the gentleman allow me to ask a question?

Mr. G. F. HOAR. Certainly.

Mr. BUCKNER. Does not the gentleman

know that in England the effort has been made for forty years, with all the powers of Parliament, to regulate the railroads, and that it has been abandoned as hopeless?

Mr. G. F. HOAR. The working people of England are not yet adequately represented in Parliament. The people of America are represented in Congress.

Mr. KASSON. Parliament does exercise this authority of regulating railroads.

Mr. G. F. HOAR. Yes, sir. Under the law of Parliament every English workman is entitled to find one train by which he can go out of Manchester, or Liverpool, or London, to his little home in the suburbs at a price not exceeding a penny a mile. That is one regulation which Parliament has made. There is scarcely a detail of the contract between the freighter and the railroad, the public carrier, which is not regulated in England by Parliament. I not only do not know the fact which the gentleman's question supposes to exist, but I believe the entire reverse to be the case.

Mr. BUCKNER. My idea on the subject is obtained from a report now before me, made by the board of railroad commissioners of Massachusetts, in which they state that all the efforts in this direction have entirely failed to accomplish anything in England.

Mr. G. F. HOAR. Now, Mr. Speaker, I address myself to the second question. Assuming that it is a duty of Government and that it is politic for Government to undertake it to the limited extent which this bill proposes, I now ask the House to consider whether, in the distribution of power between the nation and the State, what this bill proposes is the duty and the function of Congress.

Mr. ELDREDGE. I understood the gentleman just now to claim the same powers for this Government that the Parliament of Great Britain exercises with reference to the English people.

Mr. G. F. HOAR. I made no such claim.

Mr. ELDREDGE. Does the gentleman claim that under our Constitution the Federal Government can exercise the same powers as the Parliament of Great Britain exercises?

Mr. G. F. HOAR. No, sir.

Mr. ELDREDGE. I understood the gentleman to argue that because the British Parliament regulates the prices which passengers on railroads shall pay, and other matters of detail, therefore in this country the Federal Congress can do the same thing.

Mr. G. F. HOAR. I make no such claim.

Mr. ELDREDGE. I understood that to be the gentleman's position.

Mr. G. F. HOAR. The gentleman did not do me the honor to listen to what I said. What I said was that I was dealing with the question whether, to the extent which this bill proposes, government in some of its func-

tions or modes of exercising power should go. I was saying that the railroads were themselves wielding the powers of government in dealing with citizens, and that therefore the government which had lent the railroads its sovereignty had a right to use its power to restrain them in dealing with the citizen. I was considering the question whether it was fitting that any government should exercise a power of this kind.

Then the gentleman on the other side asked me whether I was not aware the Parliament of England had tried to do it but failed. I said no; that they had very largely, and in many instances, succeeded.

Now, Mr. Speaker, to the extent of the jurisdiction over this question which the Constitution confers upon Congress the States are powerless. Congress has the exclusive power to regulate commerce among the States, and, therefore, so far as this is a regulation of commerce among the States, so far the thing must be left undone or must be done here. The gentleman from Vermont [Mr. WILLARD] has confounded, it seems to me, two things. I concede that a State which creates a corporation has the right to prohibit that corporation from engaging in commerce among the States at all. I concede the State which creates a corporation has the right, if it reserves that right in the original grant or charter, to prescribe the terms and conditions upon which the corporation may engage in commerce among these States. But that does not grow out of any power of the State over the subject-matter, but grows out of the power of the State over the corporation. But the State must necessarily, even exercising the power in that way, exercise it subject to the terms of the charter in a necessarily imperfect and incomplete manner if it is disposed to exercise it at all, which few of the States are. If a State is indifferent to the exactions made by one of its corporations upon the commerce of other States in transit, the citizen is without remedy unless the national authority interfere.

Let me state this point again. The charter of a corporation has been held to be a contract. When a State creates a corporation it may doubtless reserve in the charter the power to control it. If it has made no such reservation, it may still exercise over it such legislative control as it could over individuals in like cases. I concede further that a State cannot by contract, either with a corporation or an individual, alienate its legislative powers. But unless it has in some way reserved the right to do so, it cannot impose upon a corporation any duties, obligations, or restraints which are not within its general legislative authority over individuals. The State cannot prescribe the rule to individuals engaged in commerce among the States, because the regulation of

that subject is the constitutional function of Congress. When, therefore, it issues a mandate on that subject to a corporation, unless it has reserved the power so to do in the charter, the corporation is not bound to obey. The State cannot rightfully say to the corporation, "We could not alienate our legislative authority." It never had legislative authority over that subject.

This argument is all in a nut-shell. The regulation of commerce is the regulation of the exchange of commodities. The exchange of commodities is commerce. The regulation of commerce with foreign nations is the regulation of the exchange of commodities with foreign nations. The regulation of commerce among the several States is the regulation of the exchange of commodities among the several States. An essential part of such an exchange is the conveyance of the commodity from the seller to the buyer. Regulation is the prescribing of a rule or law, or fixing the condition. To regulate the exchange of commodities is to prescribe the rule, or law, or condition under which such an exchange shall take place. An essential part of the regulation of commerce, therefore, is the prescribing rules, or laws, or conditions of the conveyance of commodities from the seller to the buyer. The fixing or regulating of tolls, or charges, or imposts for conveying commodities from the seller to the buyer is the prescribing a condition of that conveyance. It is therefore a regulation of commerce.

Now, whenever the fixing or regulating of such imposts and tolls properly comes within the domain of the law making power, or whenever such imposts or tolls should be regulated by law, the power which regulates commerce should properly regulate them. This is the settled and unquestioned understanding with reference to foreign commerce. The Legislature does not ordinarily regulate rates of freight charged by public carriers for merchandise brought from abroad; not because such regulation would not be a regulation of commerce, but because such carriers are engaged in a business open to unrestricted competition, and it is deemed inexpedient to regulate commerce in that respect. But it exercises the power to regulate foreign commerce for the protection of the interests of the public in many respects where competition does not afford such protection.

Now, we have here a case where the public carrier engaged in commerce among the States is not restrained to a very considerable extent by competition—where, as I have said, we lend him the forces and powers of sovereignty for the exercise of his great public functions, and therefore it becomes the duty of a tribunal or Legislature authorized to fix the rule of law governing persons engaged in commerce among the States to fix the rule of law for him.

I confess, Mr. Speaker. I am astonished at the arguments which convince some of our able and intelligent friends on the other side when they wish to deny to American people the power of protecting themselves against the oppression of the instruments they have themselves created. The most extravagant advocate of unlimited legislative power never resorted to such strained and artificial reasoning as do these gentlemen in their attempts to explain away the simple and comprehensive language in which the American people have asserted their national sovereignty.

Two gentlemen, Mr. Speaker, to whom I have listened with very great respect, the gentleman from Kentucky, [Mr. ARTHUR,] whom I always hear with great respect, and my friend from Pennsylvania [Mr. STORM] argued that the purpose of this clause in the Constitution authorizing Congress to regulate commerce among the several States was to prevent the imposing of duties by one State upon merchandise in its transit to another. These gentlemen, however, overlooked the fact, both of them, that this matter of duties was expressly provided for elsewhere in the Constitution. The Constitution enacts, first, that no duties on exports shall be imposed by anybody; and secondly, that no duty on imports shall be imposed by any State without the consent of Congress, and when imposed the duty shall be paid into the national Treasury. So that, in inserting in addition the general authority to regulate commerce, the framers of the Constitution had something else in view than protecting the business of one State from duties or imposts levied on it in its transit through another in the form of a duty or impost.

Now, Mr. Speaker, what was that purpose? Let Mr. Madison, the great state-rights man of the Convention which framed that Constitution, answer. Mr. Madison says, in the forty-second number of the Federalist:

To the proofs and remarks which former papers have brought into view on this subject, it may be added that without this supplemental provision, the great and essential power of regulating foreign commerce would have been incomplete and ineffectual.

A very material object of this power was the relief of the States which import and export through other States, from the improper contributions levied on them by the latter. Were these at liberty to regulate the trade between State and State, it must be foreseen that ways would be found out to load the articles of import and export, during the passage through their jurisdiction, with duties which would fall on the makers of the latter and consumers of the former. We may be assured, by past experience, that such a practice would be introduced by future contrivances; and both by that and a common knowledge of human affairs that it would nourish unceasing animosities, and not improbably terminate in serious interruptions of the public tranquillity. To those who do not view the question through the medium of passion or of interest, the desire of the commercial States to collect, in any form, an indirect revenue from their uncommercial neighbors, must appear not less impolitic than it is unfair, since it would stimulate the injured party, by resentment as well as interest, to resort to less convenient channels for their foreign trade. But the mild voice

of reason, pleading the cause of an enlarged and permanent interest, is but too often drowned before public bodies as well as individuals by the clamors of an impatient avidity for immediate and immoderate gain.

The necessity of a superintending authority over the reciprocal trade of confederated states has been illustrated by other examples as well as our own. In Switzerland, where the union is so very slight, each canton is obliged to allow to merchandises a passage through its jurisdiction into other cantons without an augmentation of the tolls. In Germany it is a law of the empire that the princes and states shall not lay tolls or customs on bridges, rivers, or passages without the consent of the Emperor and Diet; though it appears from a quotation in an antecedent paper that the practice in this, as in many other instances in that confederacy, has not followed the law, and has produced there the mischief which have been foreseen here. Among the restraints imposed by the union of the Netherlands, on its members, one is, that they shall not establish imposts disadvantageous to their neighbors without the general permission.

So, Mr. Speaker, the House will see that according to the declaration of Mr. Madison, this clause was put in the Constitution to prevent new devices which might thereafter be contrived, other than the imposition of duties or imposts, by which one State should burden on its passage to the sea the merchandise or commerce of another and drive that merchandise around by circuitous paths. If Mr. Madison had foreseen the present railroad system of the country he could not have more aptly described the evil which might be contrived in the future, which that general provision of the Constitution was intended to cure by giving this power to Congress, than he has by that language in the Federalist.

The law gives to the carrier a lien on the merchandise which he transports. I am at a loss to understand the logic of those gentlemen who argue that a State should not be permitted to impose a tax or duty on merchandise carried through it to other States, and yet insist that it should be at liberty, when it commits to any of its citizens its power of eminent domain, to authorize them to construct and control public highways over which, from the necessities of the trade, merchandise must pass or not be transported at all, and allow them to impose on such merchandise liens unlimited except by the sense of their own interests on the part of those who impose them. Yet the framers of the Constitution meant, in the opinion of my friend from Kentucky, to prevent the imposition of a tax by a State for its own benefit, and yet allows it to delegate to a corporation the power to impose a like tax for the benefit of a part, and not the whole.

These gentlemen, in their endeavor to fritter and explain away the simple, clear, and comprehensive language of the Constitution, and deny its true meaning, find themselves obliged to admit the power they seek to destroy. The gentleman from Kentucky says that the object of this constitutional provision was to secure to commerce "the charity of being let alone." Has it not occurred to that gentleman that our

forefathers, usually so exact, adopted the most extraordinary language to accomplish such an end? In order that commerce might not have rules prescribed to it, but might be free, unrestricted, without regulation except by its own will, the Constitution, according to him, creates a tribunal upon which it confers the power to regulate it. The gentleman from Kentucky says that by the Constitution they created a legislative tribunal, and directed and authorized it to prescribe rules. The purpose of putting that clause in the Constitution was to his mind in order that these rules might not be prescribed. But, Mr. Speaker, the position of the gentlemen on the other side, in short, is exactly this: that the Constitution gives Congress the power to regulate commerce among the States, in order that commerce might forever not be regulated so far as it is commerce among the States.

It is objected that the carriage of merchandise across the continent from point to point, in distant States, is, when analyzed, nothing but a series of successive acts of transport, by which each railroad carries the freight within its own State only, and is paid only for such carriage; that the collecting the freight in one sum to be divided proportionately among the roads is for the convenience of the shipper, and does not make the roads a unit, or change the essence of the transaction. This is the precise argument which was urged and overruled in *Gibbons vs. Ogden*. It was said by Mr. Oakley:

The right of a State to regulate its internal trade applies as well to its navigable waters as to its other territory. \* \* \* Is the law in question anything more than a regulation of the internal navigation of the waters of the State? It does not deny the right of entry into its waters to any vessels. It only forbids such vessels, when within its waters, to be moved by steam. It is, therefore, strictly a regulation of internal navigation.

And by Mr. Emmet:

The Federal Government can do no act on the navigable waters within the limits of the United States which, or a corresponding act to which, it cannot do on the land within the same limits.

To this reasoning it was replied by Chief Justice Marshall:

Commerce, as the word is used in the Constitution is a unit. \* \* \* Commerce among the States cannot stop at the external boundary line of each State, but may be introduced into the interior. \* \* \* Can a trading expedition between two adjoining States commence and terminate outside of each. And if the trading intercourse be between two States remote from each other, must it not commence in one, terminate in another, and probably pass through a third.

Mr. Speaker, I wish to answer now two or three objections of detail. My friend from Vermont [Mr. WILLARD] says that the policy of law requires that it should be uniform, but that it is impossible that uniform rates should be established by this tribunal. But the uniformity is in the rule which prescribes that the rates should be reasonable. The law that says that every citizen may recover on a *quantum meruit*

from his employer the reasonable value of his services is clearly a uniform law, although the value of the services varies in every case which comes before the court. It is the uniformity of the rule, not the application.

But it is said that we are undertaking to delegate legislative powers to this commission. Not at all. We enact that the common-law obligation, which rests upon the public carrier everywhere else to charge no more than a reasonable price and to make no unjust discrimination, shall rest upon him also while he engages in commerce among the States by railroad. We might very properly further provide, that in enforcing this rule by legal proceedings the burden of proof of reasonableness should in all cases be upon the carrier, who is familiar with the subject and who has all the facts in his possession. But we do not go so far as that. We provide that the burden of showing reasonableness shall rest upon him only when he has exceeded the rate fixed in the commissioners' schedule. This confers no legislative power upon the commission. The rule of law by which the parties must abide, and which determines their rights, is enacted by Congress and applied to the court. The commission is merely an aid in determining the fact of reasonableness.

I think the argument against this bill which presses the hardest on the minds of gentlemen otherwise friendly to it is that it gives vast powers to these commissioners, who may be weak, who may be corrupt, who may be the servants of the railroad. But, Mr. Speaker, the felicity of this bill is this: that there is no possibility that these commissioners can do any harm. If they do nothing but make complete compilation of the railroad statistics of the United States they will be worth all their salaries. But what can a railroad corruptly induce this commission to do? Suppose that the commission, acting corruptly, will not put down the rates on any line of railroad; the people are exactly where they are now. If they put down the rates on all other lines, then the freight will go by those other lines, and the railroad corrupting the commissioners will be left without employment. If they put down the rates on one line, no competing line will have gained anything by corrupting the commission. We may have lost the salaries of the commissioners, but that is all. It is impossible for human ingenuity to conceive a case where a railroad could corrupt these commissioners in a manner that could do any possible harm to the public.

Mr. HAWLEY, of Connecticut. Might not the commissioners make the rates too low?

Mr. G. F. HOAR. Yes, sir. But if the commissioners fix them too low the railroad may still go to a jury. This commission simply changes the burden of proof in a suit be-

tween the railroad and the shipper of goods, and says that if the railroad go beyond a reasonable rate, the rate fixed by these commissioners, they shall be liable for extortion. The railroad company may always protect itself by going to a jury; but if a railroad or a combination of railroad companies has corrupted the commissioners so that they do not put down the rates low enough, why the citizens do not get the benefit of changing the burden of proof in their suits, and the bill in that particular does no good. But it does no possible harm. Some gentlemen seem to suppose that these commissioners will put up the rates beyond the point to which such competition as exists would bring the rates and charges down. Not at all; the railroad companies can get no possible advantage in making an overcharge by corrupting the commissioners.

My friends, however, who use this argument seem to me to make an argument which, if legislators of America bring themselves to act upon it, involves the surrender of the Republic itself. No statesman, in my judgment, will ever lead the American people, no statesman will ever be useful to the American people, no statesman will ever apprehend the sublime forces or the sublime destiny of this Republic who does not learn, in spite of evils, in spite of mistakes, in spite of corruption, to trust the Republic and the ideas which are its strength and safety. We have planted upon this continent a people who believe that whatever may be the frailties or vices of men, justice, equality, righteousness, will eventually be wrought out by freedom; who believe that the governing forces of the Republic may be safely wielded by the intelligence of a free people. When that fundamental maxim is forgotten, you have no alternative but to go back to the despotism from which our forefathers escaped.

Gentlemen, however, will remember that the powers which this bill creates are powers of the courts and jury. The commissioners but change the burden of proof; that is all. The ultimate power, the ultimate administration, the ultimate strength of this bill rests in the confidence which Congress is willing to put in the jury who are to try the cases and in the courts who are ultimately to declare the law.

Mr. Speaker, I desire to say one word in regard to a proposition which has been made by the gentleman from Ohio [Mr. SMITH] to substitute for the present bill a bill which seems to me not only to be extremely unjust to the railroads, but to be utterly impracticable in application. His bill provides simply that railroad companies shall in all cases charge the same rate for the same kind of freight carried the same distance.

It ought to be entitled "A bill to prevent a railroad from ever putting down its prices in any case." For instance, you have the cen-

tennial celebration coming off in Philadelphia. Under the gentleman's bill no railroad could bring any merchandise to that city at half-price for the celebration. The Pennsylvania Central is a part of the line running from San Francisco to Philadelphia, and it would have to charge, under the iron and inflexible rule of the bill proposed by the gentleman from Ohio, the same rate on freight from San Francisco to Philadelphia that it would for bringing some machinery four miles from the suburbs. It would have to charge the same price for bringing freight from fifty miles eastward from Omaha as for carrying freight fifty miles westward from the city of New York.

Mr. SMITH, of Ohio. The gentleman entirely misunderstands the bill.

Mr. G. F. HOAR. I have it here, and have read it very carefully. Let me see what it provides:

That no railroad company shall make any discrimination in its rate of charges between persons doing business with such company for the transportation of a like amount of freight, of like class, for a like distance, over the line of connecting lines of railroad owned or operated by it, when such freight is being transported from one State to another, or to or from any foreign nation.

What I said would not apply to freight brought into Philadelphia from any part of Pennsylvania, but it would apply to freight brought to Philadelphia from New Jersey.

Mr. SMITH, of Ohio. Not at all.

Mr. G. F. HOAR. Well, that is the plain meaning of the bill. But there is another point. The gentleman's bill wholly overlooks one great fact in railroad transportation, and it is this: The freight cars upon a railroad going one way may be full, while in going the other way they may be largely empty, and a railroad company ought to have the right in determining the rates of freight going over their road to consider the fact that there will, of course, be a great dearth of freight going in one direction and a superabundance of it going in the other. This bill utterly prohibits any such consideration from entering into the rates of freight. It prohibits a railroad company from making any terms whatever by which a person sending a very large amount of freight may contract by the year, or for the transportation of an unusually large amount. It is a simple, inflexible, iron rule. A similar law, as I am informed by the gentleman from Illinois, has been declared unconstitutional by the supreme court of the State of Illinois. That court has held to be unconstitutional a bill framed on the principle of this bill of the gentleman from Ohio. I had designed, Mr. Speaker, to add something on one or two other points, but I think I ought not to detain the House longer at this time.

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